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U.S. Office of Price Administration

Local board mileage rationing letter

Washington, D.C.

[1942]

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Local Board Mileage Rationing Letter

Tire Rationing Guide

NUMBER ONE

To Ration Order No. 1A

308
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Box 630

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

6/2/1943
JUN 22 1943 PCR /TED

OFFICE OF PRICE ADMINISTRATION

WASHINGTON, D. C.

LOCAL BOARD MILEAGE RATIONING LETTER

TIRE
Rationing Guide No. 1

Nature of Tire Rationing Guide No. 1

The mileage rationing program includes both tires and gasoline. There is a rationing guide for tires and one for gasoline. Both Guides should be used in conjunction with Ration Orders No. 1A (Tires) and No. 5C (Gasoline) and not as a substitute for them. Portions of this Guide may be superseded by amendments to the Order. In all such cases of conflict, the provisions of the Order and not the Guide, control.

This Guide applies to Ration Order No. 1A which is a part of the new Mileage Rationing program. It does not apply to the Revised Tire Rationing Regulations of February 19, 1942.

SCOPE OF RATION ORDER NO. 1A

Section 151. Territorial Limitations.

This Ration Order No. 1A applies to every state, territory or possession of the United States and to the District of Columbia. Note particularly that this is different from the Gasoline Rationing Regulations, Ration Order No. 5C and from General Order ODT 21 (Certificates of War Necessity) which apply only to the continental United States. Ration Order No. 1A does not apply to foreign countries. If a person desires to send tires, tubes or camelback out of the United States, he must secure permission from the Board of Economic Warfare. If he wishes to bring tires, tubes or camelback into the United States he must secure the consent of the War Production Board. Approval to import tires is usually based upon the holding of a certificate from the Local Board authorizing the acquisition of such tires or tubes. These export and import rules are based upon the necessity of strict control of the domestic rubber situation.

Section 152. Effect on other Ration Orders.

DEFINITIONS

Section 201. Definitions.

Definitions are included in the Tire Ration Order because certain words used in the Order have highly specialized meanings not ordinarily assigned to them in their usual use. The Boards must be fully familiar with these specialized meanings. No matter what terms mean to you as an individual, remember that you are governed by the highly specialized meaning assigned to the word when used in the Tire Order.

201 (a) (2). *Board.*—The definition of a "Board" heretofore limited to local War Price and Rationing Boards, has been extended to include certain boards of special jurisdiction, known as "Plant Area Boards," set up by the Office of Price Administration at specified industrial or extractive establishments to administer rationing for the workers at those establishments. The setting up of these specialized boards is desirable as an administrative matter, inasmuch as it makes it possible for a single Board to pass upon the needs of a large group of workers who are similarly situated and give them uniform treatment, instead of having those workers coming before many different local boards. At the same time, the existence of two Boards, both operating in a single community gives rise to certain overlapping which can result in complications and confusion unless the respective Boards clearly understand just where the jurisdiction of the one leaves off and the jurisdiction of the other begins. Consequently, if you are a member of a Plant Area Board, or if a Plant Area Board is operating in your vicinity, be sure to study carefully Section 302 and 303, and the comments thereon, which explain the relationship between the Plant Area Board and the local War Price and Rationing Board.

201 (a) (7). *Commercial Motor Vehicle.*—"Commercial Motor Vehicle" is a new term not used in the previous Tire Regulations. It leads to certain results which are different from the old Regulations:

(1) A motorcycle is excluded from the definition of a commercial motor vehicle. It can establish eligibility for tires only as a passenger automobile and never as a commercial motor vehicle, regardless of its original design. This is true even though it is used to carry freight instead of passengers.

(2) Any ambulance or hearse is a commercial motor vehicle, and must establish its eligibility for tires as such, regardless of its allowed gasoline mileage.

(3) Some vehicles designed as passenger automobiles are commercial vehicles because of the *use* to which they are put. Thus, any taxicab, jitney, or any motor vehicle available for public rental used in the transportation of persons on the highways is a commercial motor vehicle and must establish its eligibility for tires as such.

(4) Vehicles originally designed as passenger automobiles which have been rebuilt to carry freight instead of passengers, are commercial motor vehicles.

(5) Farm equipment, farm implements, farm tractors and wagons, although designed to carry freight are not commercial vehicles, but

are in a class by themselves and establish eligibility under Section 506. The same is true of earth-movers, road-graders and other "off-the-road" equipment.

(6) *No vehicle is a commercial motor vehicle unless Office of Defense Transportation orders require it to have a Certificate of War Necessity.*

201 (a) (21). *Passenger Automobile.*—The definition of "passenger automobile" is different from that in the old Regulations. A passenger automobile is now defined as any motor vehicle built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less. However, there are certain types of vehicles which may be built as passenger automobiles but treated as commercial motor vehicles because of their *use*. The Boards should particularly bear in mind that the following vehicles are *not* to be considered as passenger automobiles:

1. A taxicab or jitney;
2. An ambulance or hearse;
3. Any vehicle, including station wagons, available for public rental;
4. Vehicles which were originally passenger automobiles, but which have been rebuilt for use in carrying freight instead of persons.

The Boards should also bear in mind that the following types of vehicles are classed as passenger automobiles:

1. Any station wagon, even if it has a rated seating capacity of more than seven, unless (1) it is available for hire or public rental, or (2) it has been rebuilt to carry freight instead of passengers. If either of these conditions exist, then it is a commercial motor vehicle.
2. Any motorcycle, regardless of its use or original design.

It is important to note the reasons for distinguishing between those vehicles which are passenger automobiles and those which are commercial motor vehicles. If the vehicle is a passenger automobile, its eligibility for tires is based on its allowed gasoline mileage; but if the vehicle is a commercial motor vehicle, its eligibility for tires is not based on its allowed gasoline mileage but depends on whether it meets the requirements as to need set forth in Section 504 and falls within the eligibility conditions of List A or List B, as set forth in Section 505.

201 (a) (3). *Bus.*—The Boards should note that the definition of a bus includes a rebuilt vehicle. This means that a vehicle should be treated as a bus, regardless of its original design, if it has been rebuilt so that it is used primarily for the purpose of transporting persons and has a rated seating capacity of ten or more.

201 (a) (4). *Camelback.*—Camelback includes any type of rubber compound which is designed for application to a worn tire to make a new tread. It can be a compound of natural, synthetic or reclaimed rubber.

201 (a) (6). *Certificate of War Necessity.*—A Certificate of War Necessity is the document issued to commercial motor vehicles by the Office of Defense Transportation. The Boards should note that every

commercial motor vehicle is required to have this Certificate. However, the Certificate does not make a commercial motor vehicle eligible for tires. All commercial motor vehicles must establish their eligibility under Sections 501, 504 and 505 of this Order. If the Board is in doubt concerning the proper classification of the vehicle, it should require the applicant to obtain from the Office of Defense Transportation a written statement as to whether a Certificate of War Necessity is required for the vehicle.

201 (a) (9). *Dealer.*—The term "dealer" is a new definition in the Order, and is meant to be broad. It covers every person engaged in the business of selling tires, tubes or camelback, or of recapping tires including manufacturers' sales outlets.

201 (a) (11) (12) (13). *Grade I, II, III Tires.*—The Order defines three different grades of tires according to their serviceability and expected length of life. A Grade III tire includes three types of tires:

(1) A used tire—this is any tire which has been run 1,000 miles or more.

(2) A recapped tire—this is any tire which has been recapped, regardless of the number of miles it has been run after recapping. This differs from the old Regulations which defined a recapped tire as one run less than 1,000 miles after recapping. Under the new Order, it makes no difference how many miles a tire has been run after recapping; it is classified in all cases as a Grade III tire.

(3) A tire made principally from reclaimed rubber.

A Grade II tire is always a "new" tire, that is, a tire which has been used less than 1,000 miles. However, only the following types of new tires are classed as Grade II tires;

(1) A new tire for which OPA has established a maximum price of less than 85% of the maximum price for so-called "hundred level" tires. In the trade, these are generally known as third, fourth and fifth line tires.

(2) A damaged new tire.

Note that a Grade I tire can be treated as a damaged (Grade II) tire only if notice has been filed with the State Office (OPA). (See Section 1007 (c)).

Note also that although a damaged tire which is not useable without repair is treated as a Grade II tire, a dealer is expressly prohibited from selling such a tire without first having it repaired. (See Section 803 (d)).

(3) A new tire which was defectively manufactured, and permanently marked as such by the manufacturer.

(4) A new tire from which the mold marks have worn off from wear. This is the so-called "take-off" tire.

(5) Any new tire made before January 1, 1938.

A Grade I tire is the best grade of tire. It includes every new tire which does not fall within the definitions of a Grade II or Grade III tire. Generally, these tires are known as premium-priced, first-line and second-line tires.

201 (a) (27). *Recapping Service.*—The definition of "recapping service" is purely one of convenience. When the Order says that a certain group of persons may be eligible for "recapping service", it simply means that the certificate holder may have his own tire carcass recapped, or instead of waiting for this, may turn in his recappable tire carcass and immediately purchase a recapped tire. The emphasis in this definition should be on the word "*service*". It does not include obtaining a recapped tire without turning in a recappable carcass. In other words, a person who is eligible under List B only for recapping service cannot obtain any replacement of a tire unless the tire he is seeking to replace is in a recappable condition.

ADMINISTRATION, PERSONNEL AND JURISDICTION

Section 301. Administration and Personnel.

(a) *Personnel.*—The Board is not only a part of the Office of Price Administration, but constitutes the basic agency entrusted with the actual rationing of tires, tubes and camelback. It has such powers and duties as are specifically set forth in the Order and such additional powers and duties as may from time to time be assigned to it by the Administrator. The administration of the rationing program also includes many other persons to whom administrative and other functions are assigned from time to time by the Administrator.

A necessary and important provision disqualifies persons from acting in certain cases in the administration of the Order. No Board member may act upon any matter coming before the Board if he has any interest in the matter by reason of business connections or relationship by blood, marriage, or adoption. If he has such personal interest he is disqualified from acting. The same rule applies to all other employees and officials of the Office of Price Administration.

Section 302. Jurisdiction of the War Price and Rationing Board.

Except for the situation which arises where a Plant Area Board has been set up in the vicinity of the Local War Price and Rationing Board, the jurisdiction of the Board under the new Order is much the same as it was under the old Regulations. The situation with respect to Plant Area Boards is discussed under Section 303 and every Board affected thereby should familiarize itself thoroughly with that discussion in order to avoid jurisdictional confusion and complications.

Before acting upon any application, the Board must determine whether it, rather than any other Board, has jurisdiction. Except where certain duties have been specifically assigned to it by the Office of Price Administration covering vehicles outside its territorial jurisdiction, the Board is limited to acting within such jurisdictional area.

The reason for creating a number of Boards, each operating within a comparatively small area, was to provide that applications should be considered by a Board presumed to have certain special knowledge of the needs of the particular area in which it acts. This does not

mean that a Board can make special rules for its own guidance outside of the Order. It does not mean that a Board can interpret the Order to mean something other than what it states, simply because the Board believes that local conditions are different in its area from those generally existing in the country. What it does mean is that where several applications are made to a Board it must use its knowledge of local conditions in exercising those discretionary powers which are granted to it by the Order. A Board must decide, for example, whether one applicant is entitled to tires in preference to others in those cases where the quota is not sufficiently large to cover all requirements. A Board must use its knowledge of the transportation facilities available locally. It must apply its knowledge of the character of applicants and the manner in which they have been using the rubber in their possession prior to application.

The Board has the broader duty of considering not only local needs but of bearing in mind at all times the effect of its action upon the transportation needs of the country as a whole. Many applicants come before the Board who operate beyond the border of the Board's jurisdiction. These applicants should not be penalized in favor of purely local requirements in those cases where their general importance to the nation is greater than that of a local applicant.

The Boards have no jurisdiction over tires and tubes for airplanes.

The Boards have no jurisdiction to grant tires and tubes for vehicles in the hands of a manufacturer or dealer which are held for sale.

302 (a). *Vehicles Normally Stationed or Garaged.*—In general, a Board has jurisdiction over vehicles normally stationed or garaged within its area. There are certain exceptions to this general rule which should be kept in mind. These exceptions are set forth below.

302 (b). *Vehicles Temporarily Within Board's Area.*—A Board has jurisdiction to entertain an application for a vehicle temporarily within its area which needs tires immediately and cannot apply to the proper Board. No Board should hestitate to entertain such applications, if they are made in good faith because of a temporary emergency.

No Board has jurisdiction to issue a certificate for a vehicle temporarily within its area, if the vehicle is normally stationed or garaged in a foreign country.

302 (c). *Emergency Reserves.*—A Board has jurisdiction to entertain applications to establish, maintain or increase an emergency reserve by an applicant who has his principal place of business within the Board's area, or, if the applicant is a State, whose seat of Government is within the Board's area.

If an applicant for an emergency reserve changes his principal place of business to a new area, the Board serving the new area then has jurisdiction over the applicant. The records of his old applications should be forwarded by the Board which formerly had jurisdiction to the Board serving the new area.

302 (d). *Allotment of Camelback.*—A Board has jurisdiction over an application for an allotment of camelback, if the applicant's principal place of business is within the area served by the Board. It

should be noted that it is the location of the applicant's principal place of business which determines jurisdiction in allotting camelback. An applicant may have establishments in several different areas; but the Board having jurisdiction over his principal place of business is the only Board which should consider his application for all his establishments, wherever located.

302 (e). *Allotment of Grade III Tires.*—A Board has jurisdiction over an application for an allotment of Grade III tires, if the establishment for which the allotment is sought is within the area served by the Board. It should be kept in mind that this provision differs from the provisions of Section 302 (d) concerning allotments of camelback. It makes no difference where the principal office of the owner of the establishment may be located. A person may own several establishments located in different areas. An application for each establishment must be made to the Board having jurisdiction over the particular establishment.

302 (f). *Tubes for Recappers.*—A Board has jurisdiction over an application for a tube for use solely in recapping, if the mold for which the tube is sought is within the Board's area. Here the sole test of jurisdiction is the location of the mold. The location of the applicant's principal place of business has no bearing on jurisdiction.

Section 303. Jurisdiction of Plant Area Boards and other Boards.

Although normally the rationing of tires will be carried out by Local War Price and Rationing Boards, occasionally it may be administratively feasible for the Office of Price Administration to set up a special Board at a given industrial or extractive establishment to handle the applications of persons working at that establishment, instead of having those persons apply at the Local Boards where their vehicles are normally stationed. By doing this, it is possible to relieve Local Boards of the staggering burdens that would otherwise fall upon them where a large war plant employing thousands of workers springs up in the vicinity. It also makes possible the better organization of group-riding plans and avoidance of unnecessary driving, since it enables a single Board to view as a whole the transportation picture for the given plant, instead of having employees of the plant applying to many different local Boards where circumstances make it impossible for such Boards to see the overall transportation picture, as it affects such plant, or to balance the comparative needs of one employee against those of another.

The existence of two Boards, each of which may have jurisdiction over a given individual, can result in serious overlapping unless the lines of jurisdiction are clearly marked out. Consequently, it is highly important that you keep clearly in mind the following:

(1) In the first instance, i. e., when he applies for his original gasoline ration, a worker at a plant where a Plant Area Board is set up, may elect to apply *either* to his Plant Area Board or to the Local Board where his automobile is normally garaged or stationed. Bear in mind that one must be engaged in activities concerning the plant, but need not necessarily be employed by the company operating the

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plant where the Plant Area Board is located in order to apply to that Board. One who carries on his activities there is eligible even though he is employed by someone else (e. g., a technician hired by the Army to supervise the assembling of planes at an aircraft plant).

(2) Once an individual has made his election, he is bound by it, except in certain cases to be mentioned later. In other words, if he elects to obtain his gasoline ration from the Plant Area Board, he must apply for tires (or the renewal of his gasoline ration) at the same Board and cannot apply for them to the Local Board covering the area where his automobile is normally garaged or stationed. Gasoline ration books issued by a Plant Area Board will be so identified, and if a person working at a plant having such a Board applies to your Local Board for tires, you must inquire whether he obtained his gasoline book from that Board. If he did, you must refuse his application. If, however, he obtained his gasoline book from your Board, from another Local Board, or from a Plant Area Board at an establishment where he is no longer working, you may entertain his application provided his automobile is normally garaged or stationed in your area.

Conversely, if a worker elects to get his gasoline ration from his Local Board instead of the Plant Area Board he must apply for tires to the same Board and not to the Plant Area Board. An exception to this rule is where a worker obtains his gasoline ration from a certain Local Board and then changes the location of his automobile so that it no longer is stationed within the jurisdiction of the Board that issued the ration. In such case, he again has the election to apply for tires (or for the renewal of his gasoline ration) either to the Local Board which covers the new location or to his Plant Area Board. Here again, however, once he has made his election he is bound by it. The fact that an applicant may have obtained his Basic ration from a school or other designated registrar within the jurisdictional area of a given Local Board does not bar him from electing to go to the Plant Area Board for Supplemental rations, tires, etc., since securing a Basic ration at a school is not an election to come under the jurisdiction of a Local Board. However, obtaining a Basic ration *directly* from a given Local Board or from a Plant Area Board does constitute an election and the applicant is bound by it.

Finally, a worker who applies to a Plant Area Board and then ceases working at that plant, is no longer eligible to make subsequent applications (e. g., for tires or renewal of gasoline ration) to the Plant Area Board at that plant. Again he has the election of applying either to his new Plant Area Board, if there is one, or to the Local Board covering the area where his automobile is stationed.

(3) Plant Area Boards have jurisdiction over passenger automobiles only (including motorcycles) and not over commercial vehicles. Thus, a bus operated by the plant itself to carry workers to and from work, a truck operated in connection with the plant, a vehicle used on a rental basis to carry workers, etc., all must apply to the Local Board and not to the Plant Area Board.

(4) Plant Area Boards have no jurisdiction unless *all three* of the following conditions are met:-(a) the vehicle must be a passenger automobile, (b) the applicant must be a worker (as explained above) at the plant, and (c) the applicant's current gasoline ration must not have been issued by the Local Board where his automobile is normally garaged or stationed at the time he applies for tires. Plant Area Boards do not have jurisdiction over the establishment of emergency reserves or the allotment of camelback, Grade III tires, or curing tubes.

(5) Local Boards have jurisdiction over applications in the emergency cases involving breakdowns in their areas (provided for in Section 302 (b)) even though the applicant obtained his gasoline ration from a Plant Area Board instead of a War Price and Rationing Board. Plant Area Boards, however, have no jurisdiction to grant tires under Section 302 (b).

QUOTAS

Section 401. Quotas.

The quota is the over-all control which prevents greater distribution of tires, tubes and camelback than can safely be spared from the nation's stockpile. That stockpile is the capital supply of rubber. The quota is the spending budget, the portion of the total which can be used safely during the period for which it is allotted. The fixing of quota is similar to the setting up of any other budget. The setting up of such a budget in the form of original allocation of quota rests with the War Production Board and not with the Office of Price Administration. Each month the Office of Price Administration receives from the War Production Board a total allotment of quota which it in turn apportions to the individual Boards. In making such allotment certain state, regional and national reserves are set up to take care of emergency requirements which may occur after individual allotments are exhausted. The Local Board has no authority to authorize the granting of certificates, the filling of which would run beyond its quota allowance. No urgency of need, under any circumstances, can justify a Board in exceeding its quota allowance. The reason why quotas are not set up for original allotments of camelback to recappers or for initial stocks of Grade III tires to dealers is that these certificates are not granted to consumers but are issued simply for the purpose of shifting material to places where it may become available for use by those who secure certificates for consumption purposes. Certificates to consumers are all regulated by quota.

For purposes of distributing its allotted quota, the Board must have information as to the relative essentiality of the uses to which the applicants put their vehicles. The Boards should obtain this information in the following ways before acting on any application for tires:

1. *Holders of Basic rations only.*—Additional information should be furnished by the applicant with his tire application, showing the

uses to which he puts his basic ration. This information is to aid the Board in deciding between basic ration holders, when the quota is insufficient. (See Section 503 (a) (1).)

2. *Holders of Supplemental rations.*—The Board should re-examine the applicant's supplemental gasoline ration application if it is available. If the application for a supplemental gasoline ration was filed with another Board, the applicant is required to file OPA Form R-535, furnishing such information as to occupation and mileage requirements as the Board may require. This will enable the Board to increase or decrease the applicant's gasoline ration according to his need and to determine his relative importance for the purpose of allotting its quota. (See Section 503 (a) (2) and 503 (b).)

3. *Holders of Fleet and Official rations.*—The Board should re-examine the applicant's gasoline ration application, if it is available. If the application for fleet or official ration was filed with another Board, the applicant is required to file OPA Form R-551, furnishing such information as to occupation and mileage requirements as the Board may require. The purpose of this provision is the same as that for re-examining supplemental rations. (See Section 503 (a) (3) and 503 (b).)

4. *Commercial motor vehicles.*—If the necessary information as to the uses to which the vehicle is put does not appear on the application, the Board may require such other information as it desires. (See Section 604 (a).)

401 (a). *Insufficient Quota.*—A Board which has on hand a larger number of eligible applications than it has quota, may request an increase of its quota from its State Director.

Lost Certificates.—Certificates issued to replace lost or destroyed certificates are chargeable to quota.

Passenger-Type Tires for Trucks.—Passenger-type tires, though used on trucks, are chargeable to passenger tire quotas. If the application is made for a passenger-type tire to be mounted on a truck, and the passenger tire quota is exhausted, the Board should make application to its State Director for an increase of its passenger tire quota.

Distribution of Reserves.—Under the Order, the Washington Office will designate the amount of the State, Regional and National reserves each month, and will make necessary adjustments as conditions require. Before making application to the Regional Office for extra quota allotments from the Regional reserve, State Directors should follow this procedure:

1. Study all county quotas to see if there is an available surplus in some counties which can be transferred to other counties where the quota is inadequate.

2. Augment county quotas by drawing on the State reserve.

3. If and when the above sources have been entirely exhausted, advise the Regional Office of this fact and ask for an increased allotment from the Regional reserve. This request should be supported by specific details of the purpose for which the additional quota requested is to be used.

401 (b). *No Certificate in Excess of Quota.*—No Board shall issue a certificate for the acquisition of tires, tubes, recapping services or camelback in excess of its quotas.

401 (d). *Passenger Automobile Spare Tires.*—In certain cases certificates for spare tires may only be issued by a Board between the twenty-fifth and the last day of a month. Applications for spares are to be treated the same as application for running wheels where (1) applicant has more than a basic ration, (2) where he has only a basic ration, but uses his automobile for purposes which would entitle him to preferred mileage if he drove enough to warrant it, or (3) application is for recapping service only and not for a tire or tube. Except in these cases, applications for spares must not be issued except (1) between the twenty-fifth and the last day of the month, *and* (2) where no applications for passenger-type tires to be mounted on running wheels are pending.

401 (e). *List B Commercial Motor Vehicles.*—A List B commercial vehicle is eligible for recapping service only and therefore cannot obtain a certificate unless the applicant has a recappable carcass. It is never eligible for a Grade I, II or III tire.

Such certificate for any List B commercial motor vehicle may only be issued between the twenty-fifth and last day of a month. Even between the twenty-fifth and the last day of the month, a Board may not issue a certificate for a List B commercial motor vehicle if any unsatisfied application for recapping service for a List A commercial motor vehicle is pending.

PROOF OF NEED AND ELIGIBILITY

Eligibility Under Tire Ration Order 1A (Sections 501-506)

The Status of Eligibility in the Present Order and in the Previous Regulations

One familiar with the previous Tire Rationing Regulations need have no confusion in interpreting the present Ration Order. Both have the same object: rubber conservation. Both provide that actual needs, not fancied wants, shall be satisfied. Both give rubber first to those whose use of it will do most for the war effort and for the safety and well-being of the country. The Order looks very different only because it uses gas rationing to control eligibility and the use of tires by eligibles after they secure them.

How Gasoline Controls Tire Eligibility

"Gas rationing is the only way to save rubber", says the Baruch Report. "Every way of avoiding this method was explored but it was found to be inescapable."

The present Tire Ration Order and the Gasoline Ration Order No. 5C are based upon this fundamental fact.

Remember, therefore, that those who are eligible for the most gasoline are generally the people who, under the previous Regulations,

had preference in the securing of tires. There has been no change in the status of tire eligibility of most people on the list for preferred mileage for gasoline. The sole difference is that now the Board determines eligibility for gasoline upon the basis of driving need for the most essential purposes. This method has been aptly described as "mileage rationing". That is what it is. The Board determines how far a man may reasonably be allowed to go and gives him gasoline to enable him to go that far. The Board should, however, give the individual just as little mileage as he can possibly get along with to do the work which must be done. This work is done not for himself or for his personal benefit but for the safety and welfare of the country.

Therefore, in determining the gasoline ration, what the Board is really doing is determining the rubber ration. If the gasoline ration is fixed properly, eligibility for tires becomes a simple matter.

What the Eligible Person Receives for a Passenger Automobile

The gasoline ration has been determined. There still remains the task of seeing that our limited supply of rubber is parceled out according to the needs of the applicants and the essentiality of the services they render. Therefore, the Tire Order sets up three grades of tires. The grade within which a given tire falls depends upon the quality of rubber contained in the tire and its serviceability for the intended use. Whether an applicant is eligible for a lower grade tire or a higher grade tire depends upon the number of miles he must drive in carrying on important and essential activities.

There is one exception to this rule. Certain automobiles, for example, police cars, must be driven occasionally at high speed. These vehicles may obtain Grade I or Grade II tires even though the mileage they travel would normally entitle them only to Grade III tires. The vehicles which come within this exception are enumerated in Section 503 (d) (1) and the Board must limit itself to the situations there described.

The Board has no authority to grant a better tire than the Order permits simply because it believes that the particular applicant, although not technically eligible, should have such a tire. It should be emphasized that in no event, except in the situations set forth in Section 503 (d) (1), is an applicant entitled to a tire if he possesses a recappable carcass. If his tire can be recapped, it must be recapped.

Subject to the qualifications just mentioned, the following rules apply in granting tires:

(1) Those who get a Basic ration or a "B" ration (up to 560 miles per month) get only Grade III tires.

(2) Those driving from 561 to 1,000 miles per month and having a "C" ration card or a Supplemental "D" ration (if for motorcycle) get Grade II tires.

(3) Those persons driving over 1,000 miles per month can get Grade I tires.

(4) Persons eligible for a higher grade tire (i. e. Grade I or Grade II) may apply for a lower grade (i. e. Grade II or III) if they wish.

(5) The Board's particular attention is directed to the provisions of Section 503 (d) (2) which permits the Board, if conditions warrant, to grant a lower grade tire than would normally be allowed under the provisions of the Order where it is to be used for a limited period substantially less than the probable life of the better grade tire.

(6) Certificates for any grade of obsolete tires may be granted if the conditions provided for in Section 503 (d) (3) are met. This means that use of such tires may be allowed only to those who, because of occupational driving, have a Supplemental gas ration or to those whose occupation would entitle them to preferred mileage in the Gasoline Order (Ration Order No. 5C, Section 1394.7706) even though they have a driving requirement of less than 240 miles per month.

The difference in passenger eligibility between the previous Regulations and the present Order is that since all passenger car owners can get some small amount of gasoline, they may now, within the limits of quota, get a minimum of tire service sufficient to keep them running for the distance allowed to all car owners to supplement public transportation and to provide necessary personal and emergency transportation service.

How the Board Determines Eligibility

Tire eligibility for passenger automobiles is now decided in two steps. The first step is the re-examination of the applicant's gas ration and its readjustment on the basis of essential driving. In fixing this gas ration the Board must remember that it is not just deciding the necessary mileage for eligible purposes but that in addition it is establishing a standard which will be used in deciding the rubber to which the operator of the vehicle is entitled. The second step is the actual rationing of the tires, tubes, and recapping service. The gasoline ration which has already been determined is now used as the measuring stick for fixing the tire ration. However, the applicant's eligibility for tires must be examined to see that he meets all the eligibility requirements of the Order, and the gas ration (other than a basic ration) must again be examined to see that it has been accurately fixed under the conditions existing at the time of the granting of the tire application.

The Board should remember that in doubtful cases it is better to err on the side of giving too little rubber than too much. A grant of too little rubber can be corrected. A certificate for too much rubber means that the rubber is gone forever. Only by reducing average driving to the point recommended in the Baruch Report is there any hope that our rubber supply will last. If the mileage and speed requirements are not strictly met, further restrictions may be necessary. Only if the Boards do their job with the greatest efficiency can such further restrictions, and very hard restrictions, be avoided.

The Board is authorized to consider the manner in which the applicant has used the rubber which he has, in deciding whether it is to

entrust him with additional rubber. If a man has abused his tires, if he has neglected to take care of them, it is strong evidence that he should not be given additional share in our limited and irreplaceable supply. Therefore, although in certain situations the Boards are authorized to waive the requirement that the applicant shall not have abused his tires, they should give great weight to this matter in passing upon applications.

There is only one valid reason for granting a waiver. If the interests of the nation or the community will suffer by being deprived of the services which that particular applicant is alone in a position to furnish, the Board may grant a certificate in spite of his past conduct. Boards should be most careful in exercising the power of waiver of abuse. In all cases where a certificate is granted despite tire abuse or neglect, it should be accompanied by a stern warning against the continuance of the objectionable practices.

What an Eligible Person Receives for a Commercial Motor Vehicle

Every application for a certificate for a commercial motor vehicle must be accompanied by a Certificate of War Necessity issued by the Office of Defense Transportation. *This Certificate of War Necessity, however, does not establish the eligibility of the applicant.* The use to which the commercial motor vehicle is put is the basis upon which eligibility for tires, tubes or recapping service must be established. The eligible uses are set forth in List A and List B. *The vehicle must be used exclusively for eligible uses.* If the number of applications for eligible vehicles exceeds the Board's quota, it must determine the relative importance of the use to which each eligible vehicle is put and should issue certificates only to those most important to the war effort, public health or public safety.

Where applicant falls within List A, the following rules apply:

If the tire to be replaced can be recapped, it must be recapped, unless a recap would be unsafe at the speeds at which he is required to drive. If it is not recappable or a recapped tire would be unsafe, he may obtain a certificate for a new or used tire at his option.

Where applicant falls within List B, he is eligible only for a recapping service. If he does not have a recappable carcass he cannot get a tire.

Section 501. General Proof of Need.

The Board should note that the requirements of this Section must be met by all applicants under Section 503 (passenger automobiles), 505 (commercial motor vehicles), 506 (farm implements, industrial equipment and non-highway vehicles) and 507 (emergency reserve of tires and tubes).

501. (a) *Dealer.*—A dealer may not be granted a certificate to equip a vehicle held by him for resale.

501 (a) (1) *Immediate Need.*—The alteration or reconstruction which will justify the issuance of a certificate is one which results in the addition of wheels (e. g. dual wheels) to carry heavier loads or to distribute loads more effectively. If application is made to equip a

vehicle delivered to the applicant without tires, an affidavit should be presented by him signed by the vendor, setting forth the reasons why the vehicle was not equipped when delivered.

If the applicant is the rebuilder or manufacturer as well as the user, he should present with his application his own affidavit to explain why tires are not on the vehicle.

This section permits issuance of a certificate for a spare tire (or one for each size of tire used on the vehicle); but the Board should bear in mind that no certificate for a spare shall be issued for a passenger automobile or a List B commercial vehicle except under the conditions specified in Section 401 (d) and 401 (e) respectively.

501 (a) (2). *Emergency Use.*—Note that the only exceptions to the rule that a passenger-type tire must be recapped if it is recappable are set forth in Section 503 (d) (1) where high speed emergency use makes a recapped tire unsafe, and Section 503 (d) (3) where an "obsolete-type" tire cannot be recapped because of the lack of recapping facilities. In all cases where an applicant is entitled to a tire even though his tire carcass is recappable, he must turn in the recappable carcass to a dealer before acquiring the tires. (See Section 610 (b) and 806 (g).)

501 (a) (3). *Changeovers.*—This Section permits "changeovers" by a person who has taken delivery of an automobile, if the tires are not serviceable for the use to which he will put them. Change based an personal preference (e. g., desire for "whitewalls"); greater riding comfort, quality in excess of actual needs, etc., is not grounds for issuing certificates under this Section.

501 (a) (4). *Certificates for Future Need.*—Note the new provision allowing the issuance of a certificate in cases where the applicant's tire is certified by the inspector as needing recapping by the time he can secure recapping service. Failure to make timely application now is evidence of tire abuse. (See Section 501 (b) (1) (ii).)

501 (b). *Abuse or Neglect.*—A Board cannot deny an application under this Section if the tire or tube which the applicant has abused is not the one which he seeks to replace, but the Board can, by proceeding under Section 653 or 657, declare him ineligible to receive a tire for such period as the Board sees fit. Although driving at speeds in excess of 35 miles per hour and running the tire past the point of recapping are specifically mentioned as acts which the Board may consider as evidence of tire abuse, it should be emphasized that many other acts (hitting curbs, underinflation, faulty wheel alignment, etc.) may also be evidence of tire abuse. Notice that the Board has considerable discretion in determining as a matter of fact, whether abuse has occurred. However, once it has found that it has, it must deny a tire unless such denial would result in loss to the community or nation. It is the nation's or the community's loss, and not the applicant's loss, that controls here.

501 (c). *Unlawful Mileage.*—This is a new provision, under which the Board may deny a certificate to an applicant who has driven any mileage in excess of that permitted by his gasoline ration, by the

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use of substitute fuels such as kerosene or bootlegged gasoline or other devices, or who has driven his vehicle for purposes not permitted him under Gasoline Ration Order No. 5C.

501 (d). *Changeover for Special Use.*—This Section is designed to take care of the case in which heavier construction is needed in a tire because the vehicle will be used to carry loads which the present tires are inadequate to handle, or will operate over rougher roads.

501 (e). *No Available Tire or Tube.*—This provision prohibits an applicant from obtaining a certificate for a tire, if he owns or controls a tire not currently in use and which he can use in place of the one needing replacement. The rationing program is designed to provide tires for those who will be forced to lay up their vehicles if they do not get them, not to provide tires for people who already have tires they can use. This provision must not be confused with Section 501 (f) which forbids tires to applicants who have more tires in their possession than they are permitted to have under the Gasoline Order. The present section requires them to use tires not currently in use even though the Gasoline Order does not require that they dispose of them. For instance, applicants who have excess motorcycle or truck tires, or tires on passenger automobiles not presently being used, cannot obtain additional tires if these idle tires can be used instead, even though the Gasoline Order does not require them to surrender the latter. Applicants who are denied tires under Section 501 (e) should be warned that in transferring the idle tires to the vehicle, they must comply with the provisions of Section 704 covering the shifting of tires.

This provision does not apply to certain persons indicated in the section. It does apply, however, to commercial motor vehicles as well as passenger automobiles.

501 (f). *Excess Tires.*—Note that no certificate for tires to equip a passenger automobile shall be granted if the applicant has excess tires. Sections 7653 and 7755 (d) of the Gasoline Ration Order specify that tires must be reported at the time of filing an application for a basic gasoline ration. This section is designed to give the Board a second check on those who may have failed to comply with the requirements of the Gasoline Order at the time they obtained their gasoline ration and also to provide a check on those whose position with reference to tires may have changed since that time. In determining whether the applicant has complied with this condition, the Board should apply the same tests it would if applicant were seeking a gasoline ration. As a general proposition the applicant is allowed to retain passenger-type tires as follows:

1. Tires mounted on vehicles or equipment.
2. Tires reported on OPA Form R–17 (Revised).
3. Tires reported by a manufacturer to the War Production Board.
4. Tires owned or leased by a Federal, State, local or foreign government agency.

Many questions will arise concerning just what tires must be disposed of in order to comply with the requirements of this section.

For example, motorcycle tires and truck-type tires need not be turned in. The question of what tires are subject to the control of the applicant must be determined. These are only a few of the questions the Board will be called upon to answer. No attempt is made here to spell these answers out in detail. The detailed provisions as to turning in excess tires are contained in Sections 7653 and 7755 (d) of the Gasoline Order, not in the Tire Order, and the Board must refer to these provisions and the discussion of them in the Gasoline Guide for the information they need. To repeat the discussion here would result in unnecessary duplication and also open the door to the danger of conflicting interpretation. Remember again that the Tire Order and the Gasoline Order are part of the same mileage rationing program and are to be construed together. If the applicant has more tires than he would be entitled to if he were applying for a gasoline ration, then he is ineligible under Section 501 (f).

Section 502. Additional Proof of Need for Passenger Automobiles.

Note that this Section sets up conditions which must be met by all applicants for tires, tubes or recapping service for a passenger automobile. An applicant for tires for a passenger automobile must meet these requirements in addition to those set forth in Section 501.

502 (a). *Gasoline Ration.*—Since the gasoline ration currently issued for a passenger automobile determines the quality of tires that can be obtained, no certificate can be issued for such a vehicle if no gasoline ration has been issued for it.

502 (b). *Tire Inspection Record.*—This new provision serves a twofold purpose. In the first place, it provides the Board with a means of ascertaining whether the applicant has taken proper care of his tires. In the second place it provides a safeguard against unlawful acquisition or disposition of tires. If the Tire Inspection Record is not up-to-date (see Sections 701 and 702), or if the serial number of the tire to be replaced does not tally with the Record and there is no Part D of a certificate to explain the discrepancy, a certificate usually should be denied. The applicant must present his Tire Inspection Record at the time of filing his application. (See Section 601 (c)).

Sometimes it may happen that an automobile owner fails to obtain his tire inspection within the time limits set by Section 701. For instance, serious illness during the period when inspection should have been made may have prevented him from complying with the requirements. His automobile may have been put in "dead storage" during the period so that it could not be driven to the inspection station. It may have been repossessed by a creditor and therefore outside of his control. He may have stored it while away on an extended trip. It is not the aim of this Order to impose undue hardship on an owner under such circumstances. Consequently, Section 502 (b) provides that upon a proper showing of failure to obtain inspection for reasons such as those enumerated, the Board may waive the requirement regarding inspection. However, this waiver is one

that should be exercised with great hesitancy and caution and only after the Board is satisfied that the applicant's reasons are bona fide. Mere delay or procrastination on his part, excuses that no inspector was available, that the inspector was busy, etc., are not sufficient. The inspection requirement is one of the keystones of this program. Failure to insist upon strict compliance with it can endanger the whole rubber conservation program. Inasmuch as the basic purpose of the inspection provision is to make sure that tires are not abused, in no event is the Board to waive the inspection requirement if it appears that the tires on applicant's car have been abused or neglected. Notice that this provision regarding abuse is broader than the abuse provisions of Section 501 (b) under which an applicant may be denied a tire. Section 501 (b) applies only to the specific tire for which replacement is sought. The present section prohibits the Board from waiving the inspection requirements if *any* tire on the vehicle shows evidence of abuse or neglect.

Section 502 (b) does not permit the Board to waive the "Certification by Inspector" contained in the application form (Form R–1 (Revised)), required of all applicants by Section 603.

Section 503. Eligibility of Passenger Automobile.

Section 503 sets forth the basis upon which an applicant may obtain tires for a passenger automobile and lays down the rules by which the Board is to determine what kind of tires he is to get, whether Grade I, II or III, or recapping service. This section becomes operative only after the applicant has satisfied the requirements of Sections 501 and 502 previously discussed. There are four distinct steps which the Board must take under this section before it actually issues a certificate to the applicant. First, it must re-examine the applicant's gasoline ration to see whether it is properly tailored to the applicant's current needs (Section 503 (a)) and make such adjustments as are required (Section 503 (b)). Second, after making the necessary adjustments, it must determine whether applicant is entitled to recapping service or a tire and, if entitled to a tire, whether Grade I, Grade II or Grade III (Section 503 (c)). Third, it must determine whether applicant falls in a special class which will justify granting him either a better or a poorer tire than he would normally be entitled to (Section 503 (d)). Fourth, if the Board's quota is not adequate to take care of all applicants before it, it must determine whether to grant this particular application or to refuse it in favor of some more important or more needy applicant (see Section 401).

503 (a). *Reconsideration of Gasoline Ration.*—The reconsideration of the gasoline ration upon application for a tire is a highly important function of the Board. It is designed to serve a three-fold purpose. First, it provides a means of cutting down the permitted mileage (and the consequent tire wear) of a person who may inadvertently have been issued a more liberal gasoline ration than he really needed or whose circumstances and needs may have changed since he obtained his gasoline ration. Conversely, it permits the Board to increase the ration of important drivers who find their rations insufficient to carry out their essential activities. Second, it provides the Board with the guide by which to determine what type of tire the applicant is entitled to. For instance, an applicant with a gasoline ration in excess of 560 miles per month may be found, upon reconsideration, to be entitled to only 400 miles per month. The result is that he will be entitled to only a Grade III tire whereas he would have obtained a Grade II tire if the readjustment had not been made. Third, it provides the Board with information regarding the activities engaged in by the applicant, his importance to the nation and community, his importance to the war effort, the public health and safety, etc. This information is of the utmost importance in all cases where the Board finds itself with insufficient quota to satisfy all applications. In those cases, since it may in no event exceed its quotas, the Board must decide which applications it will grant and which ones it will deny, in accordance with the standards laid down in Section 401. In order to do this properly and fairly, it is absolutely essential that it have full information regarding the activities and relative importance and needs of the respective applicants.

503 (a) (1). *Basic Ration.*—The Board is not to cut down the allowed mileage of an applicant who has only a basic ration, i. e., one not in excess of 240 miles per month, even though it may feel that he could get along with less (see Section 503 (b)). However, it can and should inquire into the use which he makes of his automobile for the purpose of determining whether to grant or deny him tires in all cases where its quota is insufficient to take care of all demands.

503 (a) (2). *Supplemental Ration.*—Where applicant possesses a supplemental ration, the Board shall re-examine his application therefor or, if it is not available, require further information from him. The purpose of this re-examination is two-fold: first, to determine whether or not the ration should be adjusted (see Section 503 (b)); and, second, to determine the applicant's relative importance, where quota is inadequate to supply all needs.

503 (a) (3). *Fleet and Official Ration.*—The same procedure is followed here as in the case of a supplemental ration. However, in certain cases, to wit, where the fleet or official automobile uses an interchangeable gasoline ration book, the Board is not to readjust the gasoline ration. This situation is explained below in the discussion of Section 503 (b).

503 (b). *Redetermination of Supplemental, Fleet or Official Gasoline Ration.*—Under this section, the Board proceeds to make the proper adjustments and changes in the applicant's gasoline ration, as previously explained. It is not, however, to reduce the mileage of one holding only a basic ration. Nor may it reduce the actual ration of a fleet or official automobile using an *interchangeable* gasoline ration book (although it may reduce the ration of such an automobile where individual books are used). The reason for this is that fleet or official gasoline rations, where interchangeable books are involved, are issued for the *average* allowed mileage for all vehicles in the fleet. Since such books are not issued on the basis of the needs of a specific automobile, the required mileage of a specific automobile affords no basis for deter-

mining what the gasoline rationing should be. However, even where an interchangeable book is involved, the Board still must determine the *actual* mileage to be driven by the specific car for which application is made. Although fleet rations may be issued on the basis of an average mileage, tires must be given out on the basis of the specific automobile. Even though the fleet may be issued a gasoline ration for an average over 1,000 miles per month, the actual mileage to be driven by a unit of the fleet may be under that amount. Only by an examination of the use and mileage requirements of each vehicle of a fleet or of an official passenger automobile can the Board determine whether the vehicle to be equipped is eligible for a Grade I, or Grade II or Grade III tire, and whether the use to which it is put entitles it to a certificate for any tire if the quota is inadequate. Since a fleet or official passenger automobile is allowed no basic ration, the allowed mileage *on the supplemental ration only* will determine the quality of tire for which such a vehicle is eligible. Unless the Board is satisfied that the passenger automobile for which application is made will be operated in excess of 560 miles a month, it must issue a certificate for a Grade III tire only.

503 (c). *Eligibility Determined on Basis of Reclassified Gasoline Ration.*—This section sets forth the table by which the Board is to determine what type of tire (or recapping service) the applicant is to get. As previously emphasized, this determination is not to be made until applicant's gasoline ration has been re-examined and, if necessary, readjusted in accordance with Sections 503 (a) and (b). Furthermore, the actual issuance of a certificate is at all times subject to quota limitations.

The important things to remember here are: (1) Before making a final determination, look to see whether applicant falls within any of the exceptions provided for in Section 503 (d) (emergency uses; temporary use; obsolete tires) which would make the table inapplicable. (2) In all cases, except as provided in paragraph (d) (1) and (d) (3), applicant *must* take a recapping service only, if he has a recappable tire carcass. (3) An applicant eligible for a certain grade of tire may elect to take a lower Grade (i. e., a Grade I eligible may elect to take a Grade II or Grade III tire; a Grade II eligible may elect to take a Grade III tire), but no applicant can obtain a *higher* grade tire than he is eligible for. (4) All fleet and official cars using interchangeable books are *presumptively* eligible only for Grade III tires. To obtain a Grade II tire applicant must show that the vehicle travels more than 560 miles per month. To obtain a Grade I tire, he must show that it travels over 1,000 miles a month. (5) This table does not apply to special rations. No person can obtain a tire on the basis of a special ration alone. In determining eligibility the Board is to ignore all special rations. (6) An applicant for tubes may obtain either new or used tubes at his option.

503 (d). *Exceptions to Eligibility—Mileage not Governing.*

503 (d) (1). *Emergency Use.*—This section provides for the issuance of Grade I or Grade II tires for certain passenger automobiles which may not be operated for the mileage necessary to qualify them

for these grades but which, because of the emergency nature of the services they render, should have high-speed, reliable tires. The Board should exercise great care in examining applications under these exceptions to determine that the vehicle requires high-speed operation. It is not enough that the applicant engage in emergency activities. He must show that the vehicle for which application is made is used for these activities.

503 (d) (2). *Temporary Use.*—Even though an applicant may be entitled to a Grade I or Grade II tire because of his allowed gasoline mileage, there are some situations in which the need for such mileage is of short duration (e. g. an applicant who is winding up his business, or is shortly to change his occupation so that he will not need such mileage). In such cases, the issuance of Grade I or Grade II tires would be a waste of rubber. Under this section, the Board may issue a Grade III tire to such an applicant.

503 (d) (3). *Obsolete and Motorcycle Tires.*—Many obsolete tires cannot be recapped economically and in most cases, the cause of rubber conservation is better served by permitting applicants for obsolete tires to obtain new obsolete tires than by insisting that they have their old ones recapped. With respect to motorcycle tires, it is oftentimes impossible to get them recapped, even though the tires are in recappable condition, because the ordinary recapping molds are not designed to handle such tires. For these reasons, the strict rule requiring an applicant to obtain a recapping service if he has a recappable carcass, is relaxed somewhat in these situations. Applicants possessing a current supplemental gasoline ration may get Grade I or Grade II tires of the obsolete type, and in some cases of the motorcycle type, even though they possess recappable carcasses. However, an applicant who possesses only a Basic ration is not entitled to this privilege unless he can show that the vehicle will be used for carrying out one or more of the important activities listed in Section 7706 of the Gasoline Order, i. e. the activities which render one eligible for preferred mileage.

Section 504. Additional Proof of Need for Commercial Motor Vehicle.

The Boards should note carefully that a "commercial motor vehicle" is defined in Section 201 (a) (7) and that the definition is based upon the one given by the Office of Defense Transportation, which has set up regulations designed to make the most efficient use of bus, truck and similar means of mass transportation of persons and property. Two rules should be set up for determining whether an applicant's vehicle is within the scope of this Section:

(1) *Certificate of War Necessity.*—If the vehicle has been issued a Certificate of War Necessity, treat the application as one for a commercial motor vehicle. The presentation of a Certificate does not, however, prove that the applicant is eligible for a tire or tube.

(2) *Status of Vehicle under ODT Regulations.*—If the vehicle has no such Certificate but the Board believes that it falls within the definition of "commercial motor vehicle," the Board should request appli-

cant to communicate with the nearest field office of the Office of Defense Transportation to obtain either a Certificate of War Necessity or a written statement that none is required.

504 (a). *Inspection Requirements.*—Note that the possession of a Certificate of War Necessity is but one requirement under this section. Proof of compliance with the inspection requirements set up by the Office of Defense Transportation is equally important. The applicant must present an up-to-date record establishing that the tires on the vehicle for which tires or tubes are sought have been inspected and that the continued operation of the vehicle has been approved by an authorized OPA inspector.

504 (b). *Importance to War Effort, Public Health or Safety.*—On an application for a List A commercial motor vehicle, the Board must determine that the services which the commercial motor vehicle renders are essential to the war effort, the public health or the public safety. This standard was applied to certain trucks under the Revised Regulations. It now applies to all List A commercial motor vehicles. The interpretations given under Section 505 (a) of this guide should be checked carefully to familiarize the Board with the effect of the new standard. List B commercial motor vehicles must establish that the services which they render are essential to the community.

504 (c). *Determination of Essentiality by Board.—Remember at all times:* With limited quotas, a certificate for tires, tubes or recapping service issued to one applicant will mean the denial of some other application. Be sure to grant certificates only to the applicants who are rendering the most essential services. The entire rationing program depends upon the Board's constant adherence to this principle.

504 (d). *Recapping if Possible.*—While in most cases, a recapped tire will be adequate, some situations may arise in which commercial vehicles are required to operate at speeds which would render a recapped tire unsafe. Only in this case may the Board permit an applicant who has a recappable tire carcass to obtain a new or used tire instead of recapping service only. It should be emphasized that this provision applies only where the services are of such a nature that high speed driving is *required.* A driver who operates at high speed unnecessarily not only is ineligible for a new or used tire (if he has a recappable carcass) under this section, but may be barred from getting any certificate at all, since driving at excessive speed constitutes a violation of this Order. (See Sections 501 (b), 657 and 901 (g)).

A commercial vehicle eligible under List B can obtain recapping services only and therefore cannot obtain a certificate unless the applicant has a recappable carcass. (See Section 505 (b).)

504 (e) *Trucks Capable of Using Passenger-Type Tire.*—If the applicant's vehicle can use a passenger-type tire, no certificate for a truck-type tire should be issued unless the loads carried by the vehicle would make the use of a passenger-type tire a waste of rubber or unless the applicant shows that he is unable to obtain such a tire because no dealer within a reasonable distance carries it in stock. The Board

should refer to a manufacturer's price list to determine whether such a tire is available, but should also remember that even though the tire size is listed there, its manufacture may have been discontinued. Where passenger tires are issued under this section they are to be charged to the passenger-tire quota and not to the truck-tire quota.

Section 505. Eligibility of Commercial Motor Vehicle.

505 (a) (1). *Ambulances.*—An ambulance used to transport sick or injured animals cannot establish eligibility.

505 (a) (2). *Mail Deliveries.*—Motorcycles are passenger automobiles, not "commercial motor vehicles." Their eligibility is determined by Section 503, not by this section. Mail-carrying motorcycles must establish their eligibility under Section 503, as passenger automobiles. A commercial motor vehicle used for transporting mail may also transport essential commodities to the ultimate consumer, if such deliveries do not require any deviation from normal route or schedule. (See Section 505 (a) (14) (iv).)

505 (a) (3). *Fire-Fighting Equipment.*—Privately owned fire-fighting equipment may be eligible, (e. g. commercial motor vehicles operated exclusively for fire-fighting purposes by railroads). The use of commercial motor vehicles to gather men for fire-fighting is an eligible use under this section. Transportation of fire-fighting students to the places where they receive training is an eligible use under this section.

505 (a) (4). *Police Services.*—An applicant under this section must establish: (1) That the services are necessary, (2) that the services are police services, (3) that the services are public.

The commercial motor vehicle must be owned or operated by the federal, state, local or foreign government. Private police services are not within the eligibility provided under this section. Commercial motor vehicles operated by an animal protective society are not eligible.

505 (a) (5). *Sanitation Services.*—The services made eligible under this section must be essential to the community health. Commercial motor vehicles used by a diaper laundry to render home pick-up and delivery service are not eligible hereunder.

505 (a) (7). *Public Transportation Service.*—The following services, part of the services rendered by a transportation system to the general public, are eligible under this section: Transportation of train passengers by bus where the train does not make connections with another train. Transportation of steamboat passengers where the boat service is cancelled because of bad weather. Transportation of air line passengers in case of flight cancellation or forced landing. For a list of charter services which can be rendered by commercial motor vehicles operated by a public transportation system, see Section 505 (a) (10).

A bus company cannot establish eligibility under this section for eligible vehicles where it operates other vehicles for ineligible purposes e. g., transporting students to football games.

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A railroad may transport train passengers by bus where train does not make connection with another train, as this is mass transportation service as a part of a transportation system.

Bus company may use busses to transport steamboat passengers when weather prevents steamboat service. A bus line may use its busses to handle air line passengers in case of flight cancellation, as it is deemed to be performing a mass transportation service of a regular transportation system, and would not constitute a charter service under the Regulations.

505 (a) (8). *Transportation of Teachers and Students.*—"School" includes places of religious as well as secular instruction. Transportation of athletic teams to contests, or the use of a commercial motor vehicle for any excursions, will render the vehicle ineligible for tires. A gardening project or school farm is not a regular place of instruction within the meaning of this section.

505 (a) (9). *Transportation of Workers.*—Transportation of performers to auditoriums for the purpose of taking part in radio broadcasts is not an eligible use of a bus under this section; however, the transportation of employees of communication facilities who are engaged in the maintenance, operation or construction of such facilities is an eligible use.

505 (a) (12). *Taxicabs and Jitneys.*—Note that taxicabs and jitneys are specifically included within the definition of "commercial motor vehicles." Their eligibility must be determined under this section. Certificates issued for recapping service for tires to be mounted on taxicabs or jitneys should be marked "truck-type camelback only" on Part B.

505 (a) (13). *Common Carriers.*—Commercial motor vehicles hauling property for any person who chooses to avail himself of the service, at standard rates fixed in advance, may establish eligibility under this section, whether such hauling is intrastate or interstate. Deliveries to the ultimate consumer, for personal, family or household use are permitted if the hauler is a common carrier. A company handling goods only for certain specified customers cannot qualify as a common carrier, since it is not serving the general public. The list of specified commodities which may not be hauled by private or contract carriers, contained in Section 505 (a) (14) (iv) has no application to common carriers. Railway Express Agency and vehicles hauling exclusively for pick-up and delivery service for railroad and other common carriers are eligible.

505 (a) (14). *Transportation of Commodities.*—In determining the eligibility of commercial motor vehicles performing the transportation services listed in this section, the Boards must remember that the essentiality to the war effort, public health and safety, of the service rendered is now a test in all applications under Section 505 (a) (List A). As a result, certain vehicles which were eligible under the Revised Tire Regulations will not be able to establish eligibility under this Ration Order No. 1A. This is particularly true of applications under subdivision (ii) of this subparagraph (14), since vehicles performing service for construction, maintenance or repair were eligible heretofore

without being required to be essential to the war effort or to public health or safety.

505 (a) (14) (i). *Ice and Fuel.*—Transportation of ice and fuel to the ultimate consumer for personal, family or household use is permitted. Delivery of wood for fireplaces, stoves and furnaces may be considered as eligible transportation if such fuel is needed to maintain public health. Delivery of gasoline, pyrofax or other bottled gases is eligible under this section.

505 (a) (14) (ii). The following transportation services may be considered as eligible under this Section:

Materials and Equipment for Constructing, Maintaining and Repairing:

Airfields.
Dams.
Non-portable electric motors.
Fire breaks.
Irrigation, drainage, flood control or sanitation systems.
Oil and gas pipelines and wells.
Telephone, telegraph, radio or other communication systems.
Light, power, electrical, gas, steam or water systems and facilities.
Railroads and other transportation facilities.
Plumbing and heating installations.
Refrigeration equipment (unless portable).
Service station gasoline pumps and tanks.
Termite control.
Water wells.
Traveling blacksmiths.

Ineligible Services under this Section:

Repair or maintenance of portable household equipment such as phonographs, vacuum cleaners, watches, hearing devices and radios.

Repair or maintenance of non-essential equipment, such as: pinball or "jukebox" machines; organs and other musical instruments; awnings on grocery stores, meat markets, etc.; cemetery maintenance and landscaping.

505 (a) (14) (iii). Commercial motor vehicles which are used to haul dead animals may be eligible under this Section if the animal carcasses are to be processed. Transportation of dead animals for burial purposes is not an eligible use.

505 (a) (14) (iv). *Goods Essential to War Effort or Public Health or Safety.*—The Boards must test each application under this Section to determine whether the commodities transported are essential to the war effort, the public health or the public safety. The Section lists certain commodities the transportation of which constitutes an ineligible use. If a vehicle transports these restricted commodities, or if commodities not restricted are delivered to the ultimate consumer, the Board may not grant a certificate unless such delivery is inci-

dental to and in conjunction with eligible transportation and does not require any deviation from the vehicle's route or schedule.

Commodities essential to the war effort are not limited to products directly used in the war effort, such as munitions, bandages, food for army camps, etc. They also include various commodities whose tie-up with the war effort is more remote in character, such as supplies essential to the operation of defense plants, materials needed for the housing of defense workers, etc. Likewise, commodities essential to the public health or safety may also involve commodities either directly or indirectly connected therewith.

Although the primary intention of Section 505 (a) (14) (iv) is to provide tires for vehicles engaged in wholesale delivery and not for vehicles engaged in delivery to the consumer, it was not the intention of this Section to prohibit arbitrarily the latter type of delivery if it could be done as a mere incident to the primary object and without resulting in any additional use of rubber. Thus, this Section does not prohibit one's making retail deliveries if doing so will not result in the vehicle traveling more miles or making more trips than it would if wholesale deliveries only were made. If, however, more miles will be traveled or more trips will be made as a result of the retail delivery or if the operator would not use the vehicle for wholesale delivery at all were it not for the retail activities that he carries on in conjunction therewith, it is ineligible under this Section.

Eligible.—The transportation of:

Newspapers.
Logs and mineral products.
Sugar cane.
Sand, cement and gravel.
Farm produce and supplies.
Cotton samples and cotton scales.
Fish for restocking streams for commercial purposes.
Laundry to barracks.
Garbage to farms.
Live stock to market.
For hauling and spreading lime.
Grinding mills from farm to farm.
Equipment and eligible supplies to dairies, restaurants, hotels and hospitals.
Grain samples from railroad yards to brokers.
Electrical equipment for industrial use.
Gas meters.
Devices for checking weights and measures.
Eggs and baby chickens.
Bees in hives.
Auto supplies and parts to retailers.
Money and securities.
Farm seed.
Dairy products other than ice cream.

Ineligible.—The transportation of:

Monuments.
Live stock for exhibition.
Shrubbery and flowers.
Unfinished wine from vat to vat (unless destined for industrial alcohol).
Beer, whiskey and other listed commodities.
Fish for stocking streams for recreation.
Diaper service to families.
Candy, tobacco and notions.
Ice cream.
Combination of essential and non-essential commodities (except as latter are incidental).
Soft drinks.
Catalogs and stationery.
Books to individual readers.
Steel or cement vaults to cemeteries.

505 (b). List B: *Essential Service to the Community.*—The purpose of this provision is to furnish recapping service and tubes to commercial motor vehicles not eligible under List A but nevertheless rendering transportation services essential to the community. A List B vehicle is eligible only for recapping service (or tubes) and consequently cannot obtain a certificate (except for tubes) unless the applicant has a recappable carcass.

When Board May Issue Certificate for List B Use.—The Boards may issue certificates to List B commercial motor vehicles only between the 25th and the last day of the month, and then only if there is quota of recapping service available and if there are no unsatisfied applications pending for recapping service for List A vehicles.

Delivery to Ultimate Consumer.—Commercial motor vehicles transporting foods and milk to the ultimate consumer may be eligible if local transportation conditions are such that consumers would be unable to obtain essential supplies unless such deliveries were made.

Transportation Ineligible Under List A.—A vehicle used to transport commodities whose transportation is specified as ineligible under Section 505 (a) (14) may occasionally be found by the Boards to be essential to their communities; if so found, commercial motor vehicles transporting these commodities may be eligible under List B.

Interment of Deceased Persons.—Hearses and other commercial motor vehicles used for purposes of transporting and interring deceased persons may be found eligible under List B.

505 (c). *Truck-Type Camelback.*—In Section 504 (e) there is a general provision requiring commercial motor vehicles to take passenger tires if they can be used on the vehicle, unless such tires are unavailable or would constitute a waste of rubber. The present section, although applicable only to recapping services (i. e. camelback), goes much further. It requires that all station wagons and all passenger vehicles originally designed to carry seven or less passengers, be restricted to passenger-type camelback whether or not

they have been rebuilt. The only exception to this rule is that a passenger vehicle of the type mentioned may be eligible for truck-type camelback if it has been rebuilt as a bus (i. e. with a seating capacity of ten or more) or is used as a taxicab or jitney.

Section 506. Eligibility of Farm Implements, Industrial Equipment and Non-Highway Vehicles.

Note that an applicant for a certificate to equip these vehicles must meet the conditions of General Proof of Need (Section 501) and must show that tires are essential for the operation of the vehicle.

506 (a) (1) (i). *Kind of Tire Granted.*—Where the Board grants certificates for tires rather than for recapping service, the certificate can be only for tractor tires or implement tires if the vehicle to be equipped is a farm tractor or combine. Any other farm implements may be equipped only with implement tires. (Note that if an implement tire or front wheel tractor tire of suitable size is not available, a certificate for a Grade III passenger-type tire may be issued.) In any event, Part B of the certificate should be marked as good only for the specific type of tire granted.

506 (a) (1) (ii). Where applicant is applying for a rear wheel tractor tire, the Board may not issue a certificate for recapping service even though the applicant possesses a recappable carcass, but may issue a certificate for a tire only.

Definition of Farm Tractor.—A farm tractor is a tractor used primarily for farming purposes. Such purposes include the use of a tractor for highway maintenance, but do not include the use of a tractor for mowing golf courses, for landscaping purposes and similar non-farm use.

506 (a) (2). *Special Tire Sizes.*—The Board should note that no certificate should be issued to equip any industrial, mining, or construction equipment which requires a tire size not capable of use on any passenger automobile, bus, motorcycle, farm implement, farm tractor, or commercial motor vehicle. Such a tire is not a "tire" within the meaning of Ration Order No. 1A and can be secured without certificate. However, industrial tires are subject to control by the War Production Board and persons obtaining them must comply with War Production Board requirements.

Section 507. Eligibility for Establishment and Maintenance of an Emergency Reserve of Tires and Tubes.

Applications for certificates authorizing acquisition of tires, tubes or recapping service to establish, increase or replenish an emergency reserve shall be filed on OPA Form R–19 by the following:

1. Common Carriers which have procured Certificates of Convenience and Necessity or Permits as contract carriers from the Interstate Commerce Commission.
2. Owners of trucks and buses, without Interstate Commerce Commission certificates or permits, which are under a six months or longer lease arrangement for exclusive use by an eligible Interstate Commerce Commission certificate or permit holder.
3. State Governments.

(1) *Common Carriers with Interstate Commerce Commission Certificates of Convenience and Necessity or Permits As Contract Carriers.*—Applications may be filed by qualified interstate common carriers with the Board for the area in which the applicant's principal place of business is located and nowhere else. Not all common carriers may apply. Those which hold Certificates of Convenience and Necessity or Permits as contract carriers from the Interstate Commerce Commission qualify.

The reason for limiting the granting of emergency reserves to these classes and excluding many commercial vehicles which do not possess certificates of convenience and necessity or permits as contract carriers, but which perform the same or similar services, was two-fold:

(*a*) The approximate amount of rubber required for operation of their vehicles could be estimated.

(*b*) The Interstate Commerce Commission has strict control over the routes and operations of these carriers. The operator cannot change the areas served nor important conditions of operation without the consent of the Commission.

Great care must be exercised by the Board that the applicant is the holder of the required certificate or permit issued by the Interstate Commerce Commission covered by the Order. There are many other kinds of permits issued by the Interstate Commerce Commission which do not satisfy the eligibility requirements of the Tire Ration Order. It should be pointed out specifically that the mere possession of an Interstate Commerce Commission docket number or a certificate of compliance does not necessarily mean that the applicant holds either a certificate of convenience and necessity or a contract carrier's permit within the meaning of the Tire Ration Order.

(2) *Trucks and Buses Leased to Interstate Commerce Commission Certificate or Permit Holders.*—When vehicles are leased to those carriers which have procured the necessary certificates or permits from the Interstate Commerce Commission and the lease is for a period of 6 months or longer, covering the exclusive use of such trucks or buses, then and then only the owner of trucks or buses so leased may secure emergency reserves.

The application should be made to the Board having jurisdiction over the area in which the lessor has his principal place of business and not to the Board having jurisdiction in the area in which the lessee has his principal place of business. The use of such buses or trucks is to be exclusively by the eligible carrier. Accordingly, the Board may require that both the lessor and the lessee join in such application.

Although only the lessor of such vehicles, and not the lessee, may apply for the emergency reserve covering the vehicles, Section 507 (b) (4) (ii) does permit the lessee, provided the lessor gives his consent, to distribute the extra tires for use upon the lessee's vehicles. This proviso constitutes an exception to the general prohibition in this Order against one consumer transferring his tires to another for the latter's use.

(3) *State Governments.*—It should be noted that applications by States must be made by the State government itself and not by any

of its subdivisions or departments, nor by the State as agent for any such subdivision or department. Some States have budget arrangements which keep their departments entirely segregated so far as their use of motor vehicles is concerned. Even in these cases the application must be made by the State and not by the individual department.

507 (b) (1). *No List B Commercial Motor Vehicles.*—In order to be eligible for an emergency reserve, the applicant must own, operate or control no List B commercial motor vehicles, and must meet the requirements of Sections 501, 502 (if passenger automobiles are included in applicant's application) and 504.

507 (b) (3). *50-Mile Runs.*—In order to be eligible for an emergency reserve it is not necessary that all of applicant's vehicles comply with the 50-mile run requirement. An applicant may be eligible even if only one or two vehicles in a large fleet comply with the 50-mile condition. However, as provided in Section 507 (a), the 10 percent reserve to which the applicant is entitled is based upon those vehicles complying with the 50-mile condition, and any other vehicles in applicant's fleet are not to be included in the 10 percent determination.

507 (b) (3). *Regular Operations.*—A carrier, otherwise eligible, is not denied the right to apply for an emergency reserve merely because his routes are irregular and observe no time schedule.

507 (c) An applicant for an emergency reserve must have a certificate from an inspector for each tire which he seeks to replace or recap. No inspection is required when the applicant seeks to establish or increase his reserve, since he is not replacing any tires but only adding to his stock. When the applicant seeks to replace a tire he must submit proof of sale of the tire to be replaced prior to the time he receives his certificate.

Section 508. Eligibility for Allotment of Camelback.

In considering applications for allotment of camelback to recappers, the Board is not faced with a problem of conserving rubber. The object of the provisions in the Order covering an allotment of camelback is to give the recapper a bank stock to enable him to recap tires and tire carcasses of persons entitled to secure recapping service. There is no need, therefore, of trying to cut down the amount for which he applies, except for keeping it within the maximum limit set by Section 508. The material can only be used as permitted by the Order. After the recapper secures it, responsibility for its legal use rests with enforcement officers and not with the Board. Applications must be filed with the Board having jurisdiction where the recapper's principal place of business is located even though the molds themselves may be located in different jurisdiction (see Section 602 (d)).

The Board is reminded, however, that certificates for the allotment of camelback must be limited strictly to the maximum amount authorized in this section. In calculating the maximum amounts for which an applicant may be eligible, the Board may allow both a truck-type allotment and a passenger-type allotment for the same mold, if the mold is capable of recapping both passenger-type and truck-type tires.

508 (b) *Only one Application.*—Note that only one allotment of camelback is allowed to each dealer under this Order. Acquisition of additional molds after this allotment will justify the issuance of an additional allotment for those molds only.

Section 509. Application by Dealers for Grade III Tires.

Application may be made by a dealer on OPA Form R-45 for a certificate authorizing the acquisition of an initial allotment of Grade III tires up to the amount permitted by the Order. Unless the dealer filed an R-17 for the particular establishment for the period preceding his application, or was not required to file an R-17 (see Section 1007 (b)), he cannot obtain a Grade III allotment unless he started the establishment since October 1, 1942, and was authorized to do so by the Office of Price Administration.

If the applicant owns several establishments, he must make a separate application for each. This application must be filed with the Board within whose area the particular establishment requiring tires is located.

The Board is reminded of the discussion under Quota (Section 401) as to the reasons why quota does not apply to these applications.

509. (b). *Amount of Allotment.*—Care should be taken to see that the dealer's inventory of Grade III tires (plus Parts B upon which no replenishment has yet been obtained) is deducted from the number of tires to which he is entitled under the computation based on his sales. Each eligible dealer is entitled to at least 12 Grade III tires and to no more than 200.

509 (c). *Single Allotment.*—The Board shall grant only one allotment for any given establishment.

Section 510. Applications for Curing Tubes for Recappers.

Normally recappers use airbags in their recapping molds as part of the process of recapping tires. However, it is possible to use an ordinary tube as a substitute. Since the production of airbags is limited it has become necessary to permit recappers to use ordinary tubes as a substitute. This section covers the conditions governing the issuance of certificates for such tubes. It should be noted that the application is made on OPA Form R-1 (Revised) and must be filed with the Board for the area in which the particular mold is located for which the tube is required. The Board shall not authorize a recapper to acquire more than four tubes per mold in any one calendar month.

APPLICATIONS AND CERTIFICATES

Certain provisions in this Order, while of great importance to the successful operation of the Tire Rationing program, are of only secondary interest to the Boards, since they involve requirements and acts which take place after the Board has issued the certificate and it has passed out of their hands. Some of the sections in this Chapter are of this nature. Such sections will be passed over with only brief

comments or no comment at all, and emphasis will be given instead to the sections with which the Board is more intimately concerned. However, Boards are urged to become familiar with *all* the provisions of this Order, in order to enable them better to see the Mileage Rationing Program as a whole.

Section 601. Applications.

Carefully prepared application forms have been supplied for the Board's use. If these forms are clearly and completely filled out by the applicant, they will supply the major part of the information which the Board needs in making an intelligent decision as to whether a certificate shall be issued. However, the Board is authorized to go beyond the official application blanks and require the applicant to furnish additional information which appears to them to be necessary and pertinent to their decision. They may require the applicant to furnish this information in writing or to appear before them either personally or through a duly authorized representative and submit to oral examination to develop the information which the Board requires. The object is to insure that the Board shall not act without full knowledge of everything which may affect their decision.

Passenger Automobiles.—The Board should note that there are certain certificates and documents which must be presented with the application.

(1) *Gas Ration.*—The most important of these where application involves a passenger automobile, is evidence of the possession of a gas ration issued for the automobile. It cannot be too frequently pointed out that the whole object of gas rationing is to make tire rationing effective. Presumably the gas ration was issued solely with this object in view. At the same time the Boards are reminded of their duty to reconsider the gas ration at the time they have before them an application for tires or tubes. Conditions may have been changed. Mistakes may have been made. Therefore, once again need and eligibility must be carefully reviewed.

(2) *Tire Inspection Record.*—The Board must also have before it the Tire Inspection Record for a passenger automobile, issued on Part B of OPA Form R–534. This Tire Inspection Record is a very important document. Its contents and manner of issue are discussed fully in the Sections relating to inspection, Sections 701, 702 and 703. These Sections should be consulted.

The Board must check carefully to see that the applicant has not switched tires in a manner prohibited by the Order and that conditions of proper tire care have been met. This Tire Inspection Record is one basis for informing the Board whether there has been abuse of tires, and any evidence of abuse must be inquired into and explained to the satisfaction of the Board before a certificate may be issued. The Board should make sure that all information called for by the inspection form has been furnished.

Commercial Vehicles.—Where the application involves a commercial vehicle there must be shown to the Board the Certificate of War Necessity which the applicant has obtained from the Office of Defense Transportation. The Board is reminded that this certificate does not of itself establish eligibility. Its possession is, however, an additional eligibility requirement. A person may hold a Certificate of War Necessity and still be entitled to no tires, tubes, or recapping service. If, however, he is otherwise eligible and does not possess a Certificate of War Necessity, the Board is not authorized to grant a certificate until such Certificate of War Necessity has been obtained from the Office of Defense Transportation. The Certificate of War Necessity is not primarily a rationing device. It is a registration issued upon a disclosure of facts to the Office of Defense Transportation to enable that Office to regulate transportation facilities.

601 (a). *Who May Execute and File—Agents.*—Any person may file an application on his own behalf. An agent who is not an employee may sign the application only if the applicant is physically unable to sign or is outside the jurisdiction of the Board. In its discretion a Board may require that both the applicant and his agent join in the application. In no event may a member or employee of a Board or an authorized tire inspector act as agent for an applicant.

Tire Dealers as Agents.—A tire dealer is permitted to act as agent for an applicant. This means that a dealer may sign the application, if the applicant is outside the jurisdiction of the Board or is physically unable to sign. However, a tire dealer may not act as agent of the applicant in signing the certificate issued to him by the Board. See Section 610 (c).

Whenever an agent signs an application or certificate, he must sign the full name of the applicant and his own full name.

(b) *Additional Information.*—Each applicant must of course completely fill out his application. The Board has the power, however, to request additional information or commitments from an applicant in any case where it deems this necessary or useful to the Board.

Section 602. Filing of Applications.

Section 603. Certification by Inspector Prior to Filing Application.

In those cases where a "certification by inspector" is required, that certificate is very important. The Order provides that the inspector shall make the certification concerning a tire to be replaced only provided he has made a personal and adequate inspection to determine the accuracy of the facts to which he is certifying. There is a specific requirement that in no case shall he certify that a tire can be recapped, unless the tire is removed from the wheel or rim. This requirement is important. If an inspector carelessly certifies that a carcass is recappable when actually it is not, it may mean that the recapper, relying upon the certification, will waste camelback by recapping a tire which proves to be useless after the work is performed. On the other hand, a certification that a carcass is not recappable when in reality it is, may result in the issuance of a certificate authorizing the applicant to get a new tire when in fact he should be entitled only to a recapping service.

The Board is given power to require that an additional inspection and certification by an inspector named by it shall be made. The Board should invoke this power in all cases where it is in doubt as to whether the original inspection has been made with thoroughness and in the manner provided for in the Order. The Board should familiarize itself with the instructions issued to inspectors. These instructions clearly indicate the powers and duties of inspectors.

603 (a). *When Inspection is Required.*—The application form (R–1 (Revised)) contains a certificate of inspection which must be filled out by an authorized tire inspector in every case except when application is made:

(1) To establish or increase an emergency reserve.

(2) To acquire tires or tubes for a vehicle lacking the number permitted.

(3) To replace a lost or stolen tire or tube.

603 (c). *Compensation for Inspectors.*—This Section sets forth the compensation to which an inspector is entitled for the labor of removing and replacing tires. This is to be distinguished from the inspection charge permitted in Section 703. One of the important purposes of this Order is to provide for a periodic inspection of all tires on passenger automobiles, regardless of whether the tires need replacing or recapping. This is to make sure that tires are not being neglected or run in a damaged condition. This periodic inspection is provided for in Chapter VII, and the inspector is entitled under Section 703 to a charge of 25¢ a vehicle for this purpose. The inspection in Section 603 (c) is different, and is for the purpose of enabling the inspector to determine whether an applicant needs the recapping or replacement which he requests.

Section 604. Investigation of Facts by Board.

Section 605. Notation of Reasons for Action.

The Board is required to note upon the application the reasons for its action. Compliance with this requirement is particularly necessary in cases where the application is denied. The reason is that in cases of denial, the applicant has the right to appeal the decision of the Board.

Section 606. Applicant To Be Notified of Decision of Board.

The Board is required to notify the applicant of its decision. In cases where an application is denied, in whole or in part, the Board must notify the applicant of the reasons for the denial. Ordinarily the reasons for denial need not necessarily be given in writing. However, where an application is denied because applicant has made a false statement in an application, used his gasoline for a non-permitted use, abused his tires or driven in excess of 35 miles per hour, the Board must notify the applicant in writing. (See Section 657).

Section 607. Forms and Certificates To Be Issued.

Attention is called to the specific forms which should be used in issuing certificates. Each of these forms has been designed to take care

of a specific situation, and should be carefully filled out in accordance with the directions.

Section 608. Certificates Non-transferable.

Certificates, or parts thereof, are designed to be used solely as a device for obtaining tires. Except in one or two unusual cases, for instances where a dealer has sent up a Part B to a supplier for replenishment which the recipient is unable to supply, certificates are to be exchanged *only* for the commodity or service specified thereon. They are not to be transferred from one consumer to another. They are not to be transferred from one dealer to another except in exchange for a tire (except in case of sale of an entire business). If the Board hears of any violation of these requirements it should report them immediately to the proper OPA authorities.

Section 609. Execution and Issuance of Certificates.

In performing the duty of filling out the certificates required in this section, the Board should bear in mind the purposes served by the various parts, particularly Parts A and B.

(1) *Part A* authorizes the acquisition of material or the right to secure service. It is the part which authorizes the placing of an order for such material or services by the holder.

(2) *Part B* is the replenishment part of the certificate. It is the voucher which will enable the dealer to replenish his basic stock. It is not intended that the dealer, after Part B is used, shall have more stock of any material than he had prior to the filling of the order given under Part A. Therefore, the Order provides that Part B shall authorize the purchase by the supplier of only the specified material which the Board authorizes by the filling in of Part B. For example, if Part A of the certificate calls for "recapping service only" Part B must provide either "for passenger-type camelback only" or "for truck-type camelback only," as the case may be. The supplier uses camelback in recapping pursuant to the order which he receives under Part A. He should not be permitted to get a recapped tire under Part B of the certificate but should be confined to replenishing what he uses, namely the camelback. From this, it can be readily seen that it is of the greatest importance that all parts of the certificate be filled out with the utmost completeness and accuracy.

A warehouse being simply a storage facility, and not a tire dealer, does not receive a Part B form. The Board is directed to tear off Part B before delivery of a certificate where tires are to be withdrawn from a public warehouse.

(3) *Part C* is the portion which constitutes the Board's own record and is returned to the Board after the certificate has been used. It becomes part of the Board's records.

(4) *Part D* provides permanent evidence in the hands of the car owner that he is lawfully entitled to the material authorized under Part A.

The present Order does not require that a member of the Board shall sign the certificate. It may be signed by either a Board member

or by a clerk designated by the Board to act as an issuing officer. Before granting of a certificate the Board must note on the application the information required by Section 605.

The Board should note particularly that this section requires the entry on the certificate of the serial numbers of the tires to be replaced. These tires have been "frozen" to the particular car and the Board's certificate acts as authority to "unfreeze" and dispose of the tires which are to be replaced. Part D of the certificate properly filled out by the dealer and indicating the serial number of the newly acquired tire is the car owner's authority for having such tire in his possession instead of the tire bearing the original serial number.

The Board is authorized to make delivery of the certificate by mail. This provision has been made in case it may result in unwarranted hardships or a waste of tires if the applicant is compelled to appear personally or by agent to receive the certificate.

The certificate form used to authorize purchase of tires, tubes or recapping service by applicants under the Emergency Reserve Plan (Section 507) is OPA Form No. R-20. A special certificate is required for this purpose since the applicant is *not* required to:

1. Make his purchase within thirty days after issuance of certificate.
2. Turn in the replaced tires or tubes at time of purchase.
3. Purchase a particular size of tire or tube.

In the case of emergency reserves, a single certificate may be used to authorize purchase of tires or tubes for use on more than one vehicle, which is not permissible in the case of the regular certificate on Form R-2 (Revised). See Section 607 (a). Again, it is important to emphasize the great importance of the Board's filling in the certificates completely and exactly in accordance with the provisions of the Order and the instructions on the forms. Failure to do so may result in the needless waste of rubber somewhere along the line, open the door to bootlegging or result in persons getting inappropriate or unusable rubber.

Section 610. Action by Certificate Holders.

The holder of a certificate, issued by a Board, must use it within the period prescribed in the Order. There may be some cases where the holder of a certificate finds it difficult to secure readily the material or services called for by the certificate. In some instances the necessary delay may be so great that the certificate would expire before it can actually be used for the obtaining of the material or services for which it calls. In such cases the certificate may be kept alive by placing an order with a supplier. If such order is placed with a supplier and the certificate is delivered to the supplier before its expiration date, actual delivery of the material or services may be made legally after the certificate's expiration date.

Section 611. Action by Suppliers.

Section 612. Splitting of Certificates.

Where a Board has issued a certificate for a given type of service, or for a given size or number of tires or tubes, the dealer to whom the certificate holder goes must furnish him with the exact service or commodity specified and only that. The only exception is that a dealer may, in exchange for a certificate calling for a Grade I tire, transfer either a Grade I or Grade II tire. See Section 611 (c) (1). Since a single dealer is not always in a position to supply exactly what is called for by the certificate, provision is made for the certificate holder to return the original certificate to the Board and obtain in exchange for it two or more certificates to enable him to deal with two or more suppliers. There are three things in this transaction that the Board must keep in mind; (1) Be sure to obtain the old certificate and cancel it before issuing the new ones. (2) Be sure that the sum total of the services, tires or tubes authorized by the new certificate does not exceed that authorized by the old certificate. (3) The additional certificates are not to be charged to quota.

REVOCATION OF CERTIFICATES OR RIGHT TO USE TIRES

Sections 651 to 657 give to the Boards two powers which they did not have under the former Regulations. These are (1) the power to revoke or modify certificates after they have been issued and (2) the power to declare a person ineligible to obtain a certificate for a given period of time.

In exercising these powers, it is all-important that the Board keep in mind two things. First, these powers can be exercised *only* in certain situations, such as revoking a certificate issued by mistake (Section 652), declaring ineligible a person who abuses his tires, drives at excessive speed, makes a false statement in an application, etc. (Section 653). The various situations in which these powers can be invoked are set forth in Sections 652, 653 and 657, and the Board should never institute a proceeding of this sort except where one or more of these situations exist.

Second, inasmuch as these powers represent the exercise of authority which goes beyond the normal authority of Boards, the procedure to be followed by the Board in instituting and carrying out these actions must be carefully adhered to. The steps to be taken by the Board have been spelled out in detail.

Section 657 provides that a Board may refuse a certificate to an applicant where it finds that he has violated the provisions of Section 901 pertaining to tire abuse, excessive speed and false statements in an application, (see paragraphs (f), (g) and (l) of Section 901), or has used his gasoline ration in certain prohibited ways. In refusing a certificate on these grounds, the Board is exercising its normal jurisdiction. However, the provisions of Section 657 are included in this Chapter for two reasons. First, Section 657 provides for a declaration of ineligibility for a future period in addition to denying the certifi-

cate upon the current application. In this respect it is similar to Section 653. Second, when a certificate is denied, or ineligibility declared, for any of the reasons enumerated in Section 657, the Board must inform the applicant in writing of its action and the reasons for it. In requiring a written statement Section 657 differs from Section 606 which applies to denials of applications on all other grounds. Section 606 requires the Board to inform the unsuccessful applicant of the reasons for its decision, but does not require the decision or the reasons for it to be in writing. Appeals under Section 657 are taken in the usual manner provided for in Section 1102.

The above brief discussion of Sections 651 to 657 by no means constitutes a complete discussion of the subject matter contained in those Sections. It is intended merely to sketch the highlights of the provisions. A more detailed analysis of them, with especial emphasis upon their procedural aspects, will be issued in a separate communication to the Boards.

Whenever a Board finds that an applicant has made a false statement in any application or other document filed pursuant to this Order, Section 1013 (b) requires that it immediately inform the nearest District Office of that fact in writing, and transmit all relevant documents with its report.

INSPECTION OF PASSENGER AUTOMOBILE TIRES

The periodic inspection of passenger car tires is one of the most important parts of the rubber conservation program. It recognizes that only by keeping tires under the supervision of competent tire men can true conservation be established. This fact was forcibly brought out in the report of the Baruch Committee to the President. The Boards are charged with the responsibility of appointing tire inspectors. They must see to it that a sufficient number are appointed to take care of the number of vehicles which will require inspection without undue delay and at convenient locations. In making their appointments the Board should be guided by the following factors:

(*a*) The inspector must be an experienced tire man, familiar with tire servicing and maintenance;

(*b*) He must have the necessary inspection equipment;

(*c*) He must be a man of sound reputation, fair and honest in his dealings and recognized as such in his community;

(*d*) All such, if available, should be appointed inspectors. It is important that no qualified person be excluded from the list of tire inspectors. It is equally important that no incompetent person be included therein. Appointment should be made solely upon the basis of the standards stated and not because of favoritism, or denied because of prejudice. If possible, not less than one inspection station should be provided for every 360 vehicles registered within the area served by the Board.

The duty of the Board does not cease with the appointment of the inspectors. The Board should see that its appointees are performing their duties in the manner provided for in the Order. They must

deal summarily with careless or dishonest inspection. They must be vigilant to prevent collusion between inspectors and vehicle owners. If, after warnings to an inspector, there still remains cause for complaint, the Board has the duty of removing the inspector's name from the official list. Inspectors should be identified by number and location. The Board may increase the number of appointees from time to time as additional qualified persons become available. The Board has no power to appoint inspectors who are not located within the area which it serves.

Section 701. Periodic Inspection.

As previously stated, the periodic inspection requirement is one of the keystones of the Tire Rationing Program. Every person controlling a passenger automobile for which a current gasoline ration has been issued must obtain a tire inspection by February 1, 1943. This includes all passenger vehicles, including motorcycles. The provision does not apply to commercial motor vehicles, which are subject to the tire inspection requirements laid down by the Office of Defense Transportation. Nor does it apply to farm equipment, tractors and other vehicles not defined as passenger automobiles. Starting with the month of February, 1943, every passenger vehicle which has been issued only a Basic ration, or whose total allowed mileage is less than 240 miles per month, must get a tire inspection once every four months. No two inspections may be closer together than every 60 days. All passenger automobiles having a ration greater than this amount must get an inspection once every two months. In this case, no two inspections may be closer together than 30 days.

Failure to comply with the tire inspection requirements has a double effect. First, it constitutes a violation of this Order and subjects the violator to the penalties imposed for violation. (See Section 901 (h).) Second, it may be grounds for denying an applicant a tire. (See Section 501 (b) (1) (ii).) This latter is the most practical weapon for compelling inspection. Only if the Boards hold individuals strictly to the inspection requirements, can we be sure that they will comply with those requirements. Only if individuals comply with the inspection requirements can we prevent rubber from being wasted.

The tire inspection serves another purpose also. It is the means by which it can be determined whether the proper tires are mounted on cars. Under the program, the tires on each passenger vehicle are tied to that vehicle. Tires are not to be shifted except with the consent of the Board (see Section 704) or when obtained upon certificate. In this way, an improper mounting of tires, the use of bootlegged tires, etc., will show up at the time of the tire inspection as a result of the unexplained discrepancy between the serial numbers on the tires and the serial numbers shown on the Tire Inspection Record. The inspector is to report any such discrepancies immediately to the Board.

Section 702. Inspection of Tire Transferred on Passenger Automobile.

Section 703. Compensation to be Paid for Inspection.

Section 704. Shifting of Tires.

In some cases where one owner possesses more than one passenger automobile, it may be desirable from the standpoint of rubber conservation that tires be transferred between his passenger automobiles. For example, if two cars are owned, one of which is operating under conditions which are limited to low mileage and the other high mileage, it may be that certain tires on the low mileage vehicle should be transferred to the high mileage vehicle. The Board is authorized to consider applications from the owner that he be permitted to transfer tires from one car to another. The Board must have before it the Tire Inspection Record of each car involved in the proposed transfer of tires. If permission is granted, the Tire Inspection Records must be cancelled and new Tire Inspection Records issued. The new Tire Inspection Records must indicate that the change has been authorized.

In addition to the purely voluntary shifting of tires just described, in certain situations the Board may deny tires to an applicant if he has other tires, either mounted or unmounted, which can be used upon the vehicle for which application is made. See Section 501 (e). Before mounting such tires, applicant must follow the same procedure as that described above.

Section 705. Replacement of Lost Tire Inspection Records.

PROHIBITED AND PERMITTED TRANSACTIONS

Sections 801–809, Inclusive. Prohibited and Permitted Transactions.

The most effective method of establishing a rationing program is to provide that the commodity being rationed is frozen either for an instant of time or for a longer interval in order to accomplish the objective of starting the rationing program evenly. These Sections, dealing with permitted and prohibited transactions are the ones by which all tires, tubes and camelback are frozen, and which then set out the conditions and circumstances under which rationing is to take place. It is these Sections through which the Office of Price Administration controls the distribution of, and the uses to which the articles rationed by this Order may be put. A transaction, as the term is used in this Guide includes a transfer as defined in Section 151 (a) (35) as well as any physical movement of tires which does not involve any change in right, title, interest, possession or control.

Needless to say, control over the use to which tires can be put and control over their transfer or movement from one user to another, from a dealer to a user, from one dealer to another and so on, is of crucial importance in a rationing program. In fact, it *is* the program. The only reason for determining one's eligibility or non-eligibility for tires, for issuing or denying certificates, for requiring persons to keep records of the transfer of tires, and so on, is to implement and give effect to

this control over the use and transfer of tires. Consequently, this group of Sections (Sections 801 to 809 inclusive) entitled "Prohibited and Permitted Transactions" setting forth how and under what circumstances tires can be used or can be transferred from one person to another, may be said to constitute the heart of the tire rationing program. The Board should be familiar with these provisions setting forth just what can and what cannot be done with tires. Here again, however, we are dealing in most cases with matters which do not directly affect the Boards and the duties which they are called upon to perform. These provisions are designed to inform the members of the public, dealers in tires, etc., what they can or cannot do with tires. They deal generally with the rights and duties of consumers and dealers, and the acts that they perform outside of the Board's jurisdiction. They do not deal in most cases with the relationship between members of the public and the Boards, as most of the preceding Sections have. Consequently, these Sections have been discussed in less detail in this Guide than have many other Sections, inasmuch as the Guide is intended primarily for the use of the Boards and not for the guidance of the general public.

Section 801. Prohibitions.

This Section constitutes a very broad general prohibition against the use of a tire, tube or camelback. It is not limited to prohibiting the transfer of tires from one person to another, but also prohibits one from using a tire himself, mounting it on his car, etc. In short, it says you can do practically nothing at all with a tire, unless you are permitted to do so by this Order or by the War Production Board. The result is that if one wants to find out whether he can do something with a tire, he knows that he must find the authority to do it somewhere in this Order or in the War Production Board regulations. Unless it is permitted by some other Section, it is prohibited by Section 801. The War Production Board is mentioned because it, by its orders, authorizations and regulations, retains control over tires, tubes and camelback in the following cases: (1) Manufacturers; (2) importations into this country by any person; and (3) the sale of tires to a manufacturer of vehicles for use as original equipment, and the mounting of such tires. The prohibitions of this Section apply irrespective of any contracts or obligations, no matter when made. Tires or tubes on order, even though partly or completely paid for before the freeze dates of December 11, 1941, for new tires, February 19, 1942, for recapped tires and October 1, 1942, for used tires, cannot, as a general proposition, be delivered to consumers after the respective freeze dates, except pursuant to certificates issued by Boards.

Section 802. Mounting or Use of Tires or Tubes.

Transfer of tires, tubes and camelback is very strictly regulated either by certificate or by authorization. Changes in location only ordinarily do not require either certificates or authorizations, but may still be made only if a specific provision of the Order allows such change in location. As a general proposition, this Order allows more

freedom to consumers in changing the location of tires, where no change in ownership is involved, than it does to tire dealers.

A consumer may mount and use on a passenger automobile (1) tires and tubes which he has been authorized by certificate to acquire for use on that vehicle, or (2) passenger-type tires declared on a Tire Inspection Record for the passenger automobile for which the Record has been issued.

For the tires and tubes which may be mounted and used on vehicles other than passenger automobiles, see Sections 802 (a) (3) through (a) (7).

802 (b). *Mounting from Stock Prohibited.*—A dealer or manufacturer may not mount or use any tire on his own vehicles except pursuant to certificate issued by a Local Board, or unless the tires and tubes had been mounted on his vehicles prior to the various freeze dates in effect for new, recapped and used tires. This rule is applicable even though the tires intended for the dealer's use were set aside prior to the effective dates of the various freeze orders and were separately inventoried.

Section 803. Transfers to Consumers Upon Certificate.

This Section covers the various situations under which tires may be transferred to consumers in exchange for a certificate. Transfers to consumers upon certificate must be made in accordance with this Section. Unless authorized by this Section, they cannot be made. In some instances, transfers may be made to consumers without certificate. These situations are set forth in Section 806.

As is apparent from this Section, the right to transfer upon certificate may differ, depending upon whether the transferor is a retailer, a manufacturer, a public warehouseman, etc.

Especial attention is called to Section 803 (d) which prohibits a dealer or manufacturer from transferring to a consumer any tire that requires repair or recapping. The Board should report promptly to the proper OPA authorities any violations of this provision which come to its attention.

803 (a). *By Retailers.*—A large percentage of the transfers to consumers will, of course, be made under this Section. A person who is not engaged in the business of selling tires and tubes may not transfer tires or tubes to consumers even in exchange for a certificate. No one may engage in the business of selling tires or tubes unless he has filed OPA Form R–17 as required by Section 1007, or unless he has been authorized to become a dealer by the Office of Price Administration. (See Section 809.)

803 (b). *By Manufacturers or Wholesalers.*—A manufacturer may ship at the request of a dealer to a consumer who did not purchase from the manufacturer in 1941. The manufacturer may ship directly from his factory but the billing must come through the dealer.

803 (d). *Transfer of Unserviceable Tire Prohibited.*—Tires that require repair or recapping must be put in a serviceable condition before they may be transferred to a consumer. No conservation of rubber is effected if a tire is not put in proper shape before it is transferred to a consumer. See Section 806 (h) (2) and (3) for the conditions under which a manufacturer or dealer may transfer tires for recapping. Section 806 (i) allows a dealer who is not a recapper to sell a recappable tire carcass to a recapper if the dealer obtains OPA Form R–22 to evidence the transfer.

803 (e). *Transfers of Tires by Warehousemen.*—This paragraph should be read in conjunction with Section 806 (*l*) which specifies the conditions under which a public warehouse may transfer tires, tubes and camelback without certificate, and with the comments in this Guide under Section 609 with reference to Parts B of certificates.

Section 804. Dealer and Manufacturer Transfers.

This Section is concerned, not with transfers to consumers, but with transfers above the consumer level. A large number of transfers of a specialized nature or for special purposes are provided for here as well as the usual replenishment of tire stocks in exchange for the Parts B of certificates.

Especial attention is called to the following provisions: (1) The restrictions upon the transfer of a dealer's stock from one dealer establishment to another, even though the same person owns both establishments and the treatment of two or more establishments as separate and independent establishments for the purposes of this Order, even though such establishments may be owned by the same person (Section 804 (a)). (2) The prohibition against transferring the replenishment portion of a certificate (Part B) without endorsement and the limitations upon the number of times a Part B may be transferred for replenishment purposes (Sections 804 (c) (2) and 804 (d) (3)). (3) The type of replenishment permitted, depending upon the type of tire, tube or camelback called for on the Part B (Section 804 (c) (3) and 804 (d) (4)). (4) The chief situations in which a dealer may transfer tires without certificate (Sections 804 (c) (5) and 804 (e)). Several other situations will be noted in which transfer without certificate is permitted.

It should be emphasized that as a general proposition, the freedom of transfer under the new Order is much less than under the former Regulations. Free transfer up-stream (i. e. from retailer to wholesaler, etc.) and cross-stream (i. e. from retailer to retailer) without certificate has been largely done away with. Transfers of tires by consumers to dealers have also largely been done away with. With a few exceptions, it may be said that a consumer who wishes to dispose of extra tires, or is required to do so, must dispose of them to Defense Supplies Corporation, and that dealers wishing to dispose of excess stocks are likewise largely limited to disposing of them to Defense Supplies Corporation.

804 (c) (3). *Replenishment Table.*—The table for replenishment represents substantial change from the former Regulations. It is necessary to limit a dealer's replenishment substantially to the type of tires which he sold because a strict inventory control is established by this Order, allowing OPA to check the exact number of units and types of tires which the dealer should have in his stock.

804 (d) (7). *Transfers Between Recappers.*—This paragraph is not applicable to a consumer who has his own camelback and carcasses. Such a consumer may receive his recapped tires only on certificate even though he supplied the camelback. The paragraph is designed to facilitate the transfer of a recapped tire from one recapper to another recapper who applied the camelback but was unable to cure the tire because he did not have the proper facilities.

804 (e) *Transfer of Replenishment Parts of Certificates.*—The provision that a dealer may transfer replenishment portions of certificates of receipts to another dealer to whom he sells his entire business is a change from the former Regulations.

Section 805. Acquisition for Retransfer Purposes.

There are certain types of trade practices (such as salvage operations, security transactions, etc.) and certain types of legal proceedings (such as the foreclosure of security claims, distribution of estates, governmental confiscation, etc.) which are of recognized usefulness and importance, but which involve the transfer of either the legal title of a given commodity or the transfer of the commodity itself in a manner not in conformance to the general scheme of transfer set up in this program and to persons not generally recognized as eligible to receive such transfers. This section is designed to permit such transfers, at the same time imposing such restrictions and requirements as are necessary to safeguard the rationing program. Under this section, in the enumerated cases, the transfers necessary to carry out the objects of the proceeding are permitted. Once the proceedings have been completed, however, and the full title to the tires has come into the hands of a party thereto, that person may not retain the tires for his own use or for the use of others, but must sell them to Defense Supplies Corporation. There are only two exceptions to this requirement. (1) Recipients of camelback are required to sell to a manufacturer or dealer in camelback, inasmuch as Defense Supplies Corporation does not buy camelback. (2) If the holder of the tires is already a dealer, or becomes one by obtaining authorization from the Office of Price Administration pursuant to Section 809, he may treat these tires as a stock and dispose of them in the usual dealer procedure. If he becomes a dealer, of course he becomes subject to all the liabilities and duties of a dealer.

As an added control over the transfers provided for in this section, section 805 (b) requires that all transfers made hereunder, except liens created by operation of law, be reported to the Regional Office within three days after the transfer.

Section 806. Transfers Without Certificate, Special Authorization or Notice.

This section is designed to take care of a large number of miscellaneous situations in which the transfer of tires without certificate is proper and desirable, and therefore should be permitted.

806 (a). *Permitted Transfers by Consumers.*—Contrary to the practice allowed under the former Regulations whereby a consumer could sell tires to any dealer, this paragraph provides that a consumer may transfer tires, tubes or camelback which he desires to sell only to Defense Supplies Corporation, Rubber Reserve Company or Reconstruction Finance Corporation. This does not apply of course to those cases where a consumer is required to trade in tires to a dealer.

806 (b). *Changes in Location.*—A consumer may change the location of his unmounted tires and tubes if he does not lose possession or control of them.

806 (c). *Transfers on Vehicles.*—A consumer may sell tires to another consumer if the tires are mounted as part of the equipment of a vehicle, but only if the transfer is not prohibited by any order or regulation issued by OPA or WPB. In such case, the seller must turn over to the purchaser, the Tire Inspection Record for the tires mounted on the vehicle.

806 (e). *Lost or Stolen Tires.*—A consumer who never received a tire to which he was entitled by certificate because the tire was lost or stolen while in transit to him, must secure another certificate in lieu of the tire which was lost or stolen. The dealer may not send another tire to a consumer to replace one which has been lost, unless he receives a second certificate.

806 (f). *Exchange of Tires.*—A consumer is not entitled under this paragraph to exchange tires or tubes with a dealer except under the specific circumstances outlined in this paragraph.

A consumer who satisfies the provisions of this paragraph with respect to exchange of tires must still establish that the tire has not been used. If the tire has been mounted and run before discovery that it was of a size or grade different from that ordered, it may not be exchanged except upon presentation of another certificate.

Section 807. Miscellaneous Transactions.

This section provides for certain types of transactions of a specialized nature, which the Office of Price Administration may find it desirable to permit in a given instance, but for which it would be undesirable to grant a blanket authorization. These include the authorization of special tires for Secret Service vehicles, the use of tires for testing purposes, the replenishment of destroyed stocks, etc. Consequently, this section permits these various types of transactions, but only upon specific authorization by the Office of Price Administration, or in some cases, by the Regional Office.

807 (g). *Tires Held in Customs.*—Although the War Production Board authorizes the importation of tires, tubes, or camelback, it will do so for a consumer only if he secures a certificate from a Board. Consumers who seek certificates for the importation of tires or tubes must satisfy the same eligibility requirements as other applicants. There is no reason for the Board to favor an applicant merely because he purchased a tire or tube in a foreign country.

Section 808. Transfers to Certain Governmental Agencies, Manufacturers of Vehicles or for Export.

Certain types of transfers lie outside the control of the Office of Price Administration. These include transfers to the Army, Navy and

various other government agencies, transfers to foreign governments pursuant to the Lend-Lease Act, transports for export (which are controlled by the Board of Economic Warfare) and transfers to manufacturers of vehicles (which are controlled by War Production Board).

Even though the Office of Price Administration does not control these various transfers, it does, however, require the transferor to obtain a receipt upon Form R–12 (Revised) as evidence that the transfer was a proper one.

Section 809. Authorization to Become a Dealer.

The requirement that a person obtain authorization in order to become a tire dealer is a new provision that did not appear in the old Regulations. It does not, of course, apply to persons already dealers at the time the new Order takes effect, except that dealers who went into business after September 30, 1942, must obtain authorization in order to get an allotment of Grade III tires. (See Section 509.)

OTHER PROHIBITED ACTS

Section 901. Offenses.

This section contains a number of prohibitions, most of which will not directly concern the regular work of the Boards. These prohibitions are necessary in order to obtain proper enforcement by all persons of the Order. There are, however, certain provisions which the Boards should carefully note:

(1) Driving in excess of 35 miles per hour is made a violation of the Order, except in certain specified cases.

(2) Driving a vehicle for pleasure or other purposes in violation of the purposes for which a gasoline ration was issued, is made a violation of the Order.

(3) Abusing or neglecting tires is made a violation of the Order.

The Boards should pay particular attention to see that these prohibitions are not violated, since they are an important part of the entire new program.

RECORDS AND REPORTS

Sections 1001–1013, Inclusive.

The provisions of the sections dealing with records and reports are designed to specify what records are to be kept, by whom they are to be kept, what reports are required and with whom they are to be filed. The purpose of these requirements is to furnish a control by which transfers under the Ration Order may be supervised, and to provide the source of data for calculating inventories, production and transfers of tires, tubes and camelback.

While the Boards are directed to maintain such records and file such reports in such form as may be required by the Office of Price Administration, such requirements will be set forth in instructions to be

issued from time to time. The requirements of the Ration Order itself, as they affect the Boards, are as follows:

1. At intervals of not more than a week, the Board shall post at its office and shall release to the press a list of the names of recipients of certificates issued for Grade I and Grade II tires. Army, Navy and Government intelligence officers whose work requires secrecy need not be listed.
2. The issuing Board shall retain Part A of OPA Form R–20 returned to it after the transfer of the tires or tubes.
3. The issuing Board shall retain Part A of OPA Form R–10 (Revised) returned to it after the transfer of camelback.
4. The issuing Board shall retain Part C of OPA Forms R–2 (Revised) and R–46 returned to it after the transfer of tires, tubes or camelback.
5. The Board shall retain OPA Form R–3 as its record of the trade-in of replaced tires or tubes.
6. The Boards shall receive quarterly reports on OPA Form R–17 made by sellers of tires, tubes, camelback or vehicles or persons extending credit upon the security of a vehicle and shall forward these reports in accordance with the instructions of the Office of Price Administration.
7. The Boards shall receive reports of violations of Ration Order No. 1A and shall transmit such reports on OPA Form R–4 in accordance with instructions to be issued by the Office of Price Administration.

Section 1007. Inventories of Sellers of Tires, Tubes, and Vehicles.

Tire dealers, automobile dealers and finance companies are required to file these reports on OPA Form R–17 at the end of each quarter. The Board is not required to examine or pass on these reports but does have occasion to answer questions regarding them. The dealers are required to file their inventory report with the Local Board because the Boards are the contact of the public with the Office of Price Administration.

R–17 is required every quarter even though the dealer holds but one tire or tube for resale. The dealer must report sales of tires or tubes during the quarter even though he had no inventory at the beginning of the quarter and no inventory at the end of the period. Customer's tires held by a dealer on the date of the inventories are not reported as inventory, but all tires held for resale by the dealer, regardless of their ownership, are to be included in the inventory. Thus, if a tire dealer holds some tires which he himself owns and other tires which have been consigned to him by another party, both stocks must be filed on a single report. A person who withdraws from the business of selling tires and tubes must report both his opening inventory and the stock movement for that portion of the quarterly period for which he was engaged in selling tires or holding tires for resale.

Warehouses and wholesale establishments, where no retail sales are made, operated by tire manufacturers or certain dealers (as speci-

fied in the Ration Order) are exempt from filing R–17 because their stocks are reported by the manufacturers to the War Production Board.

APPEALS

Section 1101. Who May Appeal.

Section 1102. Procedure.

ENFORCEMENT

Section 1151. Criminal Prosecutions.

Section 1152. Suspension Orders.

EFFECT UPON FORMER REGULATIONS

Section 1198. Effective Date of Ration Order No. 1A.

Certificates, and the replenishment portions thereof, issued prior to the effective date of this Order shall remain in effect subject to the limitations imposed upon their use by the Revised Tire Rationing Regulations of February 19, 1942.

Check List for Board's Use in Tire Rationing

This list is set forth as an aid to the Board in assuring itself that it has taken certain important steps that it must take in passing upon applications

I. Determination of Type of Vehicle.

All vehicles which may be eligible for tires, tubes or recapping services must fall within one of the three groups listed below:

	Section No.
1. Commercial motor vehicles	
2. Passenger automobiles	
3. Farm implements; industrial, mining and construction equipment; and non-highway vehicles	
A. A "commercial motor vehicle" includes the following *(but only if a Certificate of War Necessity is required by the Office of Defense Transportation):*	201 (a) (7)
1. A truck	
2. A trailer (but not farm trailers or wagons, which are farm implements)	
3. Any combination of truck and trailer	
4. A bus with a rated seating capacity of ten or more	
5. An ambulance or hearse	
6. A taxicab or jitney	
7. Any motor vehicle used (except a motorcycle) in the transportation of persons upon the highway available for public rental	

I. Determination of Type of Vehicle—Continued.

B. A "passenger automobile" includes	201 (a) (21)
1. A passenger vehicle, having a rated seating capacity of seven or less	
2. A station wagon or suburban carryall (a taxicab, jitney, station wagon or suburban carryall or other passenger vehicle available for public rental is not a "passenger automobile" but a "commercial motor vehicle")	
3. A motorcycle (whether or not built or rebuilt to carry freight)	
C. The third group includes	506
1. Any implement or non-highway vehicle which may be used on a farm, including farm tractors, farm wagons and trailers	
2. Non-highway vehicles used for road-grading, earth-moving or similar off-the-road purposes	
3. Industrial, mining and construction equipment other than passenger automobiles or commercial motor vehicles	

II. Check List for "Commercial Motor Vehicles."

A. An applicant for tires or tubes or recapping service for a "Commercial Motor Vehicle" should present to the Board:	
1. Application—OPA Form R–1 (Revised) or (if for Emergency Reserve) OPA Form R–19	602 (a), (b)
2. Certificate of War Necessity	504 (a)
3. Tire Inspector's statement that tires have been inspected as required by Office of Defense Transportation (the form for this is on the Certificate of War Necessity)	504 (a)
B. The Board should check:	
1. Its jurisdiction over the vehicle	302
2. General proof of need	501
3. That applicant has no other tires he can use on the vehicle	501 (e)
4. That applicant has no excess passenger type tires	501 (f)
5. Additional proof of need for "Commercial Motor Vehicles"	504
6. That applicant has no other vehicles (not used for List A purposes) which could be used in place of this vehicle	504 (f)
7. Eligibility	505
8. That the tire or tube to be recapped or replaced has been inspected	504 (d), 603
9. Quota	401

III. Check List for "Passenger Automobiles."

A. An applicant for tires, tubes or recapping service for a "passenger automobile" should present to the Board:	
1. Application—OPA Form R–1 (Revised)	602 (a)
2. A gasoline ration book for that vehicle or a fleet or official ration which includes the vehicle	502 (a)
3. A Tire Inspection Record, with all required approvals by the Inspector	502 (b), 701

III. Check List for "Passenger Automobiles"—Continued.

B. The Board should check:	
1. Its jurisdiction over the vehicle	302, 303
2. General proof of need	501
3. That applicant has no other tires which he could use on the vehicle	501 (e)
4. That applicant has no excess passenger type tires	501 (f)
5. Additional proof of need for "passenger automobiles"	502
6. Mileage allowed (gasoline mileage reconsidered and reclassified)	503
7. That the tire or tube to be recapped or replaced has been inspected	603
8. The type of tire to which applicant is entitled	503 (c), (d)
9. Quota	401

IV. Check List for Other Vehicles.

A. An applicant for tires, tubes or recapping service for a farm implement, non-highway vehicle or industrial, mining or construction equipment should present to the Board:	
1. Application—OPA Form R–1 (Revised)	602 (a)
B. The Board should check:	
1. Its jurisdiction over the vehicle	302
2. General proof of need	501
3. Eligibility	506
4. Are rubber tires essential for the operation of the vehicle?	506
5. Is applicant eligible for anything other than an implement or tractor tire?	506 (a) (1) (i)
6. That the tire or tube to be recapped or replaced has been inspected	603
7. Quota	401

ENTRIES ON CERTIFICATES DESCRIBING MATERIAL OR SERVICE TO BE SUPPLIED

The following tables set forth the appropriate entries to be made in Items A–6 and B–5 of OPA Form R–2 (Revised) for tires, tubes or recapping service for the various types of vehicles.

(*In all cases where a certificate for recapping service is granted, applicant must have a recappable carcass.*)

I. Commercial Motor Vehicles.

1. If the commercial motor vehicle is a truck, trailer, bus, taxicab or jitney for which recapping service is granted—

Type	New, New Grade II, etc.
Truck	Recapping Service—Truck-type camelback only.

2. If the commercial motor vehicle is a vehicle designed as a truck, but using passenger-type tires for which recapping service is granted—

Type	New, New Grade II, etc.
Passenger	Recapping Service—Truck-type camelback only.[1]

[1] Although not expressly required by this Order, the Board normally should authorize truck-type camelback for passenger-type tires used on commercial motor vehicles.

3. If the commercial motor vehicle is a passenger vehicle (other than a bus, taxicab or jitney) for which recapping service is granted—

Type	New, New Grade II, etc.
Passenger	Recapping Service—Passenger-type camelback only.

4. If the commercial motor vehicle was designed as a passenger vehicle, station wagon or suburban carryall whether or not rebuilt, (unless rebuilt as a bus, in which case see (6) below) and a certificate for a tire is granted—

Type	New, New Grade II, etc.
Passenger	Grade.

5. If the commercial motor vehicle is a vehicle designed as a truck but using passenger-type tires, and a certificate for a tire is granted—

Type	New, New Grade II, etc.
Passenger	Grade.[1]

[1] The Board should require the applicant to choose the grade of tire he wishes to purchase, before the certificate is completed; and should then enter the grade (I, II or III) that the applicant has chosen.

6. If the commercial motor vehicle is a vehicle designed as a truck, trailer or bus, and a certificate for a tire is granted—

Type	New, New Grade II, etc.
Truck	Tire.[1]

[1] Applicant may buy any new or used truck-type tire at his option. The Board is not required to mark the grade of tire selected by the applicant.

II. Passenger Automobiles.

1. If the vehicle is a "passenger automobile" for which recapping service is granted—

Type	New, New Grade II, etc.
Passenger	Recapping Service—Passenger-type camelback only.

2. If the vehicle is a "passenger automobile" and a certificate for a tire is granted—

Type	New, New Grade II, etc.
Passenger	Grade.[1]

[1] The grade of tire (I, II or III) to which an applicant is entitled will depend on his mileage or preferred occupation.

III. Other Vehicles.

1. For recapping service for an implement or front tractor tire—

Type	New, New Grade II, etc.
Implement	Recapping Service—Passenger-type camelback only.[1]

[1] Although not expressly required by this Order, the Board normally should authorize only passenger-type camelback for implement tires.

2. For recapping service for vehicle used in road grading or similar purposes—

Type	New, New Grade II, etc.
Truck	Recapping Service—Truck-type camelback only.[1]

[1] Applicant seeking to replace a rear tractor tire cannot get recapping service, but must take a Grade I, II or III tire, at his option.

3. If the vehicle is eligible under Section 506, and a certificate for a tire is granted—

Type	New, New Grade II, etc.
Implement, Tractor or Passenger.[1]	(Insert kind of tire.)[2]

[1] Tractors or combines may be issued tractor or implement tires only; other types of farm equipment may be issued implement tires only.
[2] If an implement or front wheel tractor tire of suitable size is not available, a Grade III passenger-type tire may be granted.

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